

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOWINDEX SHEETCAUSE TITLE C 61 - 19 of 1990 (L)

Name of the parties _____

Shuker Kumar _____ Applicant.

Versus.

Union of India _____ RespondentsPart A.B.C.

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Part - B/C Wrecked out, Distroyed

S.O.C.S.

(47X)

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD (ETC)

Registration Date, i.e. 15/5/8(L),
Ashok Kumar, Petitioner
Versus
Union of India & Others, Respondents
Hon'ble Mr. Justice K. Nath, V.C.,
Hon'ble Mr. K. Obayya, Member(A)
(By Hon'ble Mr. K. Obayya, A.M.)

In this application under Section 19 of the Administrative Tribunals Act 1985 the applicant has prayed for regularisation of his services by mailing the letter dt. 19.10.1989 (Annexure-7), addressed to Dy. Secretary, Department of Personnel and Administrative Reforms, New Delhi for allotment of suitable candidates from the surplus pool for the post of L.D.C. in the office of Director, National Research Laboratory for Conservation of Cultural Property, Lucknow.

2. The applicant having been sponsored by the Employment Exchange, Lucknow was appointed as a Typist on daily wages in the Office of Director, National Research Laboratory for Conservation of Cultural Property Lucknow on 27.6.88. The applicant continued in service on daily wages of Rs. 25/- till he was terminated w.e.f. 24.1.1990.

3. The contention of the applicant is that his candidature was sponsored by the Employment Exchange, he was found suitable after a test, his services have been found to be satisfactory and after completion of more than 240 days of service he was entitled for regularisation in terms of the Government order dt. 7.6.88 (Annexure-8). He made

(P)

representations to the department in this regard but without considering these representations the respondents were filling up the posts by bringing outsiders which he alleges is arbitrary and against principles of natural justice.

4. This case was filed on 16.1.90 and the counsel of parties were heard on 30.1.90 on admission and interim matter, on which date Respondents were directed to file counter affidavit and not to make appointment on the Post of L.D.C./Typist till further orders of this Tribunal, although they may proceed with and conclude process of selection.

5. The case was admitted on 28.2.90, and by an order dated 22.3.90, keeping in view the interest of the applicant, the Respondents were directed as follows:

X

"We hereby order that in case the department, herein after, till the disposal of this application takes a decision to appoint Typist or Clerk-cum-Typist, the claim of the applicant shall be first considered and no appointment in place of the applicant shall take place without the direction of the Tribunal".

6. The applicant moved contempt petition No.1 of 1991(L) for initiating contempt proceedings alleging that the respondents have not complied with the directions of the Tribunal and that one Joseph Kutty was appointed as L.D.C. notwithstanding the order of the Tribunal. A copy of the order dated 2.4.1990 is annexed (Annexure-9) to the contempt petition.

7. The respondents have resisted this application and in the counter they have stated that the applicant was engaged as a casual Typist for doing casual nature of work and that he was not appointed against any vacancy.

(F)

He was engaged to clear off accumulated typing work in various sections and he was not attached to any Desk or section and once the accumulated work was cleared he was ceased to work from 24.1.1990 as his service was no longer required. It is also stated that Government of Indies' instruction on regularisation of casual workers is not applicable the case of the applicant, as the applicant was not a casual labour or worker. He was a casual typist which is Group 'C' post. It is further stated that Group 'C' posts can be filled up only by candidates recommended by Staff Selection Commission which is the prescribed channel for recruitment of L.D.Cs/Typists. It is their case that the applicant is not eligible for regularisation since he has not come through the Staff Selection Commission. It is also stated that according to Government instructions the Department of Personnel and Administrative Reforms has to be approached in the first instance for allotment of suitable candidates if they are available in the "surplus cell" and after obtaining their no Objections Certificate, in case no candidate is available the Staff Selection Commission has to be approached for allotment of selected candidates. There were two vacancies of L.D.Cs one in the general Category and the other in the reserved category, at Lucknow and Mysore offices, and since the Department of Personnel and Administrative Reforms, intimated that, suitable candidates are not available from the "surplus cell" the vacancies were notified to Staff Selection Commission, which is the recruiting body for Group 'C' posts. It is contended by the Respondents that the applicant would be eligible to be considered for regular appointment if he is selected and recommended by Staff Selection

(A/C)

Commission and not on the basis of his casual employment as a daily wager. According to them the applicant is not entitled for regular appointment as he has not been selected by Staff Selection Commission.

8. We have heard the learned counsel for the parties. We have also carefully gone through the record. The learned counsel for the applicant urged that the applicant was appointed in a regular vacancy and that his work has been found to be satisfactory, there are no charges against him and since there are vacancies in the department he was entitled to regularization on the basis of his continued service for more than 240 days. This was countered by the learned counsel for the respondents, according to whom the appointment of the applicant was not in any regular vacancy, he was only engaged for doing casual nature of typing work on daily wages, he was ceased from work when there was no need for his services. He also contended that the appointment of Group 'C' posts is only on the basis of selection by the Staff Selection Commission or by drawing candidates from the 'surplus pool' maintained by Department of Personnel Administrative Reforms. The applicant did not appear for Staff Selection Commission nor he was prevented from doing so by the department, he acquired no right for regularization as typist.

9. We have considered these rival contentions, so far as the appointment of the candidate is concerned, it is admitted by the applicant in para(3) of his claim petition that his appointment was on daily wages basis. His appointment was on the basis of a letter dated 16.6.1988 addressed to the Employment Officer, Lucknow

(Annexure-2) to send particulars of candidates to be employed as daily wage typists. The Employment Officer forwarded the list of suitable candidates (Annexure-3) which also contained the name of the applicant and his appointment that followed (Annexure-4) mentions that he was appointed as a typist on daily wages on Rs. 25/-, This clearly established that the appointment of the applicant was not in any regular vacancy but only as a daily wagers.

10. The question, therefore, is whether the applicant who was a casual typist on daily wages is entitled to be appointed on regular basis. The learned counsel for the applicant has pointed out that in terms of Government orders dated 7.6.1988 (Annexure -5) the applicant acquired a right for the regularisation. This was denied by the learned counsel for the respondents, according to whom these instructions are not applicable to the applicant.

11. We have carefully gone through these instructions. These instructions were given by Government of India after review of policy regarding recruitment of casual workers arising out of decision of the Supreme Court in Surindra Singh Vs. Union of India. These instructions lay down, that persons on daily wages should not be recruited for regular nature of work and that recruitment of daily wagers may be made only for work which is casual or seasonal or intermittent in nature and that the work done by the regular staff should be released from the output, productivity aspects so as to take the work load of casual workers, thereby doing away with casual workers. These instructions also lay down about the wages to be paid to the casual workers.

12. The sum and substance of the instructions is that the Departments should do away with the practice of engaging casual workers for regular work and in case casual workers are engaged for doing work different from the work done by regular employees, they should be paid the minimum wages notified under the Minimum Wages Act 1948. Regularisation of casual workers shall be done in accordance with guidelines already issued, and they may be adjusted against regular posts to the extent it is justified. The learned counsel for the respondents submitted that these guidelines govern only 'casual workers' in Group 'D' and not Group 'C' posts. He asserted that there are no guidelines to the effect that a casual worker should be regularised in Group 'C' post, as selection to Group 'C' post is by Staff Selection Commission and the appointing authority is not competent to make regular selections. We consider that there is merit in this contention. Employment Exchanges and Staff Selection Commissions are the two channels of recruitment. If the selection to a post is within the purview of 'Staff Selection Commission', appointment of a candidate who has not come through Staff Selection Commission, but is appointed on adhoc basis, as his name has been sponsored by Employment Exchange, such appointment cannot be deemed to be an appointment on regular selection. Employment Exchange is not a substitute for Staff Selection Commission and consequently, cannot appropriate the role and functions of the latter body.

13. The learned counsel for the applicant relied on the decision of Supreme Court in Halli Gowda and Others Vs. Managing Director, K.S.R.T.C. and another (ATLT), 1989(2) 56, page 22, in which it was held that non-regularisation of some bus conductors appointed by K.S.R.T.C. on daily wages while regularising similarly placed employees

amounted to hostile discrimination and the respondents were directed to consider the matter of the petitioners and give the same benefit, if there are no cogent or satisfactory reasons coming in the way of such regularisation. This case is not helpful to the applicant, since there was no discrimination in as much no other daily wage typist has been regularised ignoring the claims of the applicant. The learned counsel for the applicant also cited the decision of the Supreme Court in Daily rated labour of P & T Department(Bhartiya Dak & Tar Mazdoor) Vs, Union of India. Wherein it was held that differentiation of casual labour and regular workers of doing same work for purposes of payment of wages was discriminatory. As observed by us, earlier the case of the applicant is not one of discrimination, as there are no other similarly placed workers who were given differential treatment and regularised.

14. The learned counsel for the applicant has also pointed out that the applicant's termination is avoid as provisions of the Industrial Dispute Act, 1947 were not followed. The provisions of Industrial Dispute Act are attracted if department is considered to be "Industry" falling within the definition of Section 2(J) of the Act. The Office of the Director, National Research Laboratory for conservation of cultural property under the Department of Culture by its ^{nature &} very work cannot be deemed to be an industry. Being engaged in 'research work' it is a far cry from 'Industry'. Consequently the protection available under I.D. Act is not available to the applicant

15. Taking the facts and circumstances of the case we are of the view that the applicant was a ~~daily rated~~ ^{daily &} typist, cannot claim regularisation in the post of typist without going through the selection by Staff Selection Commission. His name was no doubt sponsored

by the Employment Exchange, but Employment Exchange as observed by us earlier cannot be a substitute for Staff Selection Commission. The post of L.C.Cs/Typists is a Group 'C' post and falls within the purview of the Staff Selection Commission. As the applicant has not been selected, and his name has not been recommended by Staff Selection Commission he acquires no right to claim regular post of L.D.Cs/Typists.

16. In these circumstances we do not consider that there is any justification for interfering with the process of selection set in motion by the respondents by notifying the vacancies to the Staff Selection Commission.

17. Regarding contempt petition, out of 2 posts only one post has been filed up and one post has been kept vacant keeping in view the direction of the Tribunal. The further direction that the applicant has to be appointed before appointing others has evidently been not done as it is not within the competence of respondents to appoint any candidate unless he is duly selected and recommended by Staff Selection Commission. We do not see any wilful default in not complying with direction of the Tribunal. In any case the appointment of J. Kutty was not in the place of applicant.

18. For the reasons discussed above we are of the view that there is no merit in the application and it is accordingly dismissed. The contempt petition also fails and it is rejected. Costs on the parties.

Member (A)

3 Sep '91.

1 August 1991.

Vice-Chairman

(11)

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

Registration No. 19 of 1989

APPLICANT(S) Ashok Kumar

REPRESENTANT(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.O./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
7. 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 paginated 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 ExaminedEncouragement as to result of examination

1. Are the application/duplicate copy/ spare copies signed ?

Ys

2. Are extra copies of the application with annexures filed ?

Ys

3. Identical with the Original ?

4. Defective ?

5. Wanting in annexures

6. Name, address, phone No. ?

7. Have the file size envelopes bearing full addresses of the respondents been filed ?

Ys

8. Is the given address the registered address ?

Ys

9. Do the names of the parties stated in the copies tally with those mentioned in the application ?

Ys

10. Are the translations certified to be true or supported by an affidavit affirming that they are true ?

NA

11. Are the facts of the case mentioned in item no. 6 of the application ?

Ys

a) Concise ?

b) Under distinct heads ?

c) Numbered consecutively ?

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

12. Have the particulars for interim relief arrayed for indicated with reasons ?

Ys

13. Whether all the remedies have been exhausted.

Ys

circles/

OA 19/90 (s)

(R3)

19.1.90

Hon. J. P. Sharma, J.M

Mr. T. S. Mehra & the

Applicant.

Mr. D. Chandra for the

Respondents.

Let reply be filed in

four weeks by the respondents.

Re. ~~19.1.90~~ 30.1.90 for hearing

& orders on interim relief

4

30.1.90 Hon. Justice K. Nall, V.C.

- Hon. K. S. Raman, A.M.

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Re. reply filed.

Submitted to order

Heard the learned counsel for the parties. The applicant files a supplementary affidavit along with an Answer. The respondents may file a counter affidavit to the entire case within three weeks. Rejoinder affidavit, if any, may be filed within one week if any. 29/1/90

list this case for admission/hearing

on 28.2.90.

In the meantime the respondents will not make appointment on one post of LDC/Typist till further orders of this Tribunal, although they may proceed with and conclude the selection process.

KSR

A.M.

J.P.

V.C.

OR
Neither supplementing affidavit nor reply has been filed

S.P. acknowledged

272

28.1.1990

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

(P)

Shri. P.S. Mehara, for the applicant and Shri. D.Chandra, for the opposite party No.2 are present. The Op. No.1 is unrepresented before us. The applicant was appointed as typist by the Op. No.2 by an order dated 28.6.1988. The applicant claimed that he was entitled to be regularised. His apprehension was that the Op.2 was planning to recruit a candidate from outside without considering the applicant for regularisation. Therefore, an order was passed by the Tribunal on 30.1.1990 that, the Op. will not make appointment on one post of L.D.../Typist till further orders of the Tribunal. Shri. D.Chandra, counsel for the Op.No.2 has stated before us that in accordance with the order of the Tribunal the department will keep one post of L.D.C/Typist unfiled. However, a subsequent development has taken place. The applicant has been removed w.e.f. 25.1.1990 on the ground that his services were no longer required by the department. The apprehension of the applicant is that the department after dispensing ~~xx~~ service of the applicant may appoint another typist as his substitute. Therefore, in order to protect the interest of the applicant, we have by order that in case the department, here in after, till the disposal of this application takes a decision to appoint the typist or Clerk cum typist, the claim of the applicant shall be firstly considered and no appointment in place of the applicant shall take place without the direction of the Tribunal.

(P.S.)
S.A. No 19/90 (L)

5/2/91

Hon. Mr. Justice K. Rath, V.C.
Hon. Mr. K. Obrey, A.M.

Smti. P. S. Mehra for the applicant
Dr. Anil Chandra for respondents

Arguments of both the
parties heard. Judgment
reserved.

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Am

D
V.C.

~~Arguing in
Applicant~~
Arvind and Sons

13/9/91

Recd
D
16/9

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD BENCH, ALLAHABAD.

O.A. NO.
T.A. NO.

1991 (L)

DATE OF DECISION

PETITIONER

Advocate for the Petitioner(s)

Versus

RESPONDENT

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. Justice [unclear], M.R.

The Hon'ble Mr. [unclear]

1. Whether Reporters 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 Judgment ? ✓

4. Whether to be circulated to all other Benches ? ✓

GHANSHYAM

Rishabh
3/9/91

(AU)

DATE : 21.01.1990. DATED AND PLACED IN ENVELOPE

AT CIVIL LIAISON, L.G.O.C.

P.A. No.

19:

PT 4100 (1)

10-1-90

Ashok Kumar, aged about 25 years, Son of Sri
Migna Lal, resident of care Sri Prem Chandra Jaini,
House No. 60/136, Jauhari Ki Garahia, Near Masjid
Kanhe Khan, Husainganj, Lucknow.

.... Applicant

Versus

1. Union of India through its Secretary in
Ministry of Human Resource Development and
Department of Culture, Shri Sh. Ch. Ch. Ch.
New Delhi.
2. Director, National Research Laboratory for
Conservation of Cultural Property, Sector E/3,
Aliaganj Scheme, Lucknow.

.... Respondents

APPLICATION UNDER SECTION 10 OF THE CIVIL
ADMINISTRATIVE TRIBUNAL ACT, 1986

DETAILS OF APPLICATION

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

(i) Order No. with - No. F.2-3/83-AMC dated
reference to Annexure. 10.10.1988.

(ii) Dated - 10.10.1988

(iii) Passed by - Director National Research
Laboratory for Con-
servation of Cultural

....2

21/1/90

(A/S)

Property, Sector 11/3, Nizam
Scheme, Lucknow.

(iv) Subject : Impugned letter issued by Director in brief. National Research Laboratory for Conservation of Cultural Property Lucknow requesting for particulars of suitable candidates for filling one post of Lower Division Clerk at Lucknow against unreserved category on 19.10.1989 addressing to The Deputy Secretary, Government of India, Ministry of Home Affairs, Department of Personnel and Administrative Reforms, CS -III Section, North Block, NEW DELHI inspite of the fact that the applicant is already working on that post since 28.6.1988 and for which he is entitled to be regularised.

A photo-stal copy of impugned letter dated 19.10.1989 issued by Director National Research Laboratory for Conservation of Cultural Property, Lucknow detailing particulars of suitable candidate for appointment of a Lower Division Clerk is Annexure 7 to this application.

2. Jurisdiction of the Tribunal : The cause of action accrued to the applicant for filing this application at Lucknow within

(A6)

the jurisdiction of this hon'ble
Tribunal.

3. Limitation : The application is well within
limitation as prescribed under
Section 21 of the Administrative
Tribunal's Act, 1985.

4. Facts of the Case :

The applicant most humbly and respectfully
submits as under :-

1. That the applicant after passing Intermediate
Examination was registered in the Employment Exchange
Lucknow vide Registration No. C/13644/87 dated
26.6.1987. The applicant is a bi-lingual typist having
35.2 and 42.4 words per minute in English and Hindi
languages respectively.

A photo-stat copy of applicant's Registration
Card dated 26.6.1987 is being filed as Annexure 1.

2. That Director National Research Laboratory
for Conservation of Cultural Property, Sector E/3,
Aliaganj Scheme, Lucknow, ~~Appended~~ Respondent No. 2
through his letter No. Sector E/3 Aliaganj Scheme
dated 16.6.1988 asked the Employment Officer, Lucknow
requisition of suitable candidates for the post of
typist on the daily wages basis and the Employment
Officer, Lucknow through his letter No. 00/187/88
dated 27.6.1988 sent the names of 7 candidates for
the same. The name of the applicant was shown at
Serial No. 1 in the said list of the Employment Officer,
Lucknow.

The photostat copies of letter dated
16.6.1988 sent by Director National Research Laboratory
for Conservation of Cultural Property to the

Amrit Singh

Employment Officer, Lucknow is Annexure 2 and its reply dated 27.6.1988 alongwith list of candidates sent by Employment Officer, Lucknow is Annexure 3 to this application.

3. That the Director National Research Laboratory for Conservation of Cultural Property, Lucknow has appointed the applicant on daily wages basis on the basis of an examination conducted on 27.6.1988. The applicant was allowed Rs 25/- per day towards his pty and since then the applicant is continuously working in the office of Respondent No. 2.

A photostat copy of appointment letter dated 28.6.1988 issued by Director National Research Laboratory for Conservation of Cultural Property, Lucknow is being filed as Annexure 4.

4. That after appointing the applicant and one Sri Pramod Kumar Awasthi, the respondent No. 2 informed vide his letter No. F.2.2/84 - NELC dated 28.6.1988 to the Employment Officer, Lucknow that two candidates from the list have been appointed in his office.

A photostat copy of letter dated 28.6.1988 issued by Director National Research Laboratory for Conservation of Cultural Property, Lucknow is being filed as Annexure 5 to this application.

5. That the work and conduct of the applicant has always been good and he left no stone unturned to give a good performance. He has an unblemished record and earned appreciation for sincerity and dedication. The applicant has all along worked with great devotion and sincerity to the entire satisfaction of his superiors.

3m/ah/jm
A photostat copy of Certificate dated 4.8.1989 issued by the Project Officer, National Research Laboratory

(AP)

for Conservation of Cultural Property, Lucknow is being filed as Annexure 6.

6. That the applicant has requested several times to respondent No. 2 for regularisation of his services but no action has been taken.

7. That the Director National Research Laboratory for Conservation of Cultural Property, Lucknow on 19.10.1989 demanded particulars of suitable candidate for the recruitment of Lower Division Clerk in the pay scale of Rs 850 - 1600 though the applicant is working on a vacant post of Lower Division Clerk since 28.6.1988 and he is entitled for regularisation of his appointment. It is worthy to mention here that the applicant is working against the clear vacant post of Lower Division Clerk whereas on the other hand the Director is going to appoint a new person in place of the applicant resulting the great injust towards the applicant.

A photostat copy of the impugned letter dated 19.10.1989 issued by Director National Research Laboratory for Conservation of Cultural Property, Lucknow to the Deputy Secretary, Government of India, Ministry of Home Affairs, Department of Personnel and Administrative Reforms, New Delhi is being filed as Annexure 7 to this application.

8. That the applicant moved a representation dated 31.10.1989 to the Director National Research Laboratory for Conservation of Cultural Property, Lucknow, Respondent No. 2 but the same is pending without any disposal. The applicant is entitled to be regularised. The applicant is completing his age of 25 years which is upper age limit for the appointment in the Central Government Departments. The applicant has been appointed by the Respondent No. 2 after calling the names from Employment

3 my son Dinesh

(A.R.)

Exchange, Lucknow and after conducting the departmental examination he was posted in his office as a typist. The post in which the applicant was appointed still exists and the applicant has completed more than prescribed 240 days and as such he is entitled for regularization of his services.

A true copy of applicant's representation dated 31.10.1989 is being filed as Annexure 8 to this application.

9. That the Government of India had issued letter dated 7.6.1988 in connection with recruitment of casual workers and persons on daily wages. In this review policy the Government issued certain guide-lines in the latter of recruitment of casual workers on daily wages basis. The letter provides that the departments should undertake a review of appointment of casual workers in the offices under their control on a time-bound basis so that at the end of the prescribed period the following targets are achieved :-

- (a) All eligible casual workers are adjusted regular posts to the extent such regular posts are justified.
- (b) The rest of the casual workers not covered by (a) above and whose retention is considered absolutely necessary and is in accordance with the guidelines, are paid emoluments strictly in accordance with the guidelines.
- (c) The remaining casual workers not covered by (a) and (b) above are discharged from services.

Brahmaji

In para 2 of the aforesaid letter the following time limit for completing the review has been prescribed in respect of various departments :-

(P.P.)

(a) Ministry of Railways 2 years

(b) Department of Posts, Deptt. of Tele-communications and Deptt. of Defence Production. 1 year

(c) All other Ministries/Depts/ Offices. 6 months

The respondent No. 2 in utter dis-regard of the review policy malafidely not adjusted the applicant against the regular post in which the applicant is working since 28.6.1988 and the applicant possesses all the requisite qualifications for the post of Lower Division Clerk. The Central (Surplus Staff) Cell, New Delhi through its letter dated 31.10.1989/6.11.1989 has issued a NO OBJECTION to the respondent No. 2. Even thereafter the respondent No. 2 is not appointing the applicant in the vacant post of Lower Division Clerk/Typist.

The photostat copy of Government of India Office Memorandum No. 49014/2/86-Instt (C) dated 7th June, 1988 is Annexure 9 and photostat copy of No Objection Certificate dated 6.11.1989 issued by Central (Surplus Staff) Cell, New Delhi is Annexure 10 to this application.

5. Grounds for Relief :-

The applicant is now left with no alternative than to seek his remedy from this Hon'ble Tribunal. He is entitled to his relief on the following, among other :

G R E E N D S

20/1/89

A Because the work and conduct of the applicant has always been good.

B Because no departmental proceedings are pending against the applicant and the applicant is

(P.M.)

entitled to be regularised in his appointment to the post Lower Division Clerk in the pay scale of Rs 950 - 1500 as the applicant is working in that post since 28 June, 1988 without any break.

C Because the post in which the applicant is working still exists and the nature of vacancy is permanent.

D Because the applicant is working as Casual Worker without any interruption and he has completed more than 1 year and 6 months.

E Because the applicant is entitled for adjustment against the vacant regular post in which he is presently working as casual worker.

F Because the applicant was not discharged from service even after completing 6 months of his service.

G Because the department has not followed the direction issued by Government of India on 7th June, 1988.

H Because the impugned letter dated 19.10.1989 issued arbitrarily without giving an opportunity of being heard and there has been utter disregard of the principle of natural justice.

I Because the applicant possesses all requisite qualifications asked for the post.

J Because the applicant is completing his age of 25 years on 10th February, 1990 and in case he is not appointed in the present post, he will suffer great injury and ultimately the applicant will be deprived

....

(PCC)

from recruitment in the Central Government's job.

II. Because the applicant has completed the more than 240 days as prescribed for entitlement for regularisation in a permanent post.

6. Details of remedies exhausted :

The applicant has represented to the appointing authority on 31.10.1989 to regularise his services in the post of Lower Divisional Clerk/Typist but the same is pending without any disposal.

The true copy of applicant's representation dated 31.10.1989 is Annexure 8 to this application.

The applicant has been left with no other alternate or efficacious remedy than to approach this Hon'ble Tribunal.

7. Matters not previously filed or pending with any Court :

The applicant had not previously filed any application, writ petition or suit regarding the matter in respect of which this application has been made, before any Court of law or any other authority or any bench of the Tribunal and nor any such application, writ petition or suit is pending before any of them.

8. Reliefs Sought :

WHEREFORE the applicant most humbly and respectfully prays that this Hon'ble Tribunal be pleased to quash the impugned letter dated 19.10.1989 contained in Annexure 7 to this application and direct the opposite parties to regularise the services of the applicant in the existing post of Lower Division Clerk/Typist.

(21)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL AT AHMEDABAD

CIRCUIT BENCH, LUCKNOW.

C.A. No. : OF 1980 (L)

Ashok Kumar Applicant

Versus

Union of India and others Opposite Parties

ANNEXURE - 7

No. F. 2-8/86-NRCLC
GOVERNMENT OF INDIA
DEPARTMENT OF CULTURE
National Research Laboratory for
Conservation of Cultural Property,
Sector E/3, Aliganj Scheme,
LUCKNOW - 226020.

Dated 19.10.1989.

The Dy. Secretary
Government of India,
Ministry of Home Affairs,
Department of Personnel & Administrative Reforms,
CS-III Section,
North Block,
NEW DELHI.

Subject : Re-deployment of surplus staff - filling up
of two posts of Lower Division Clerk, one
in the National Research Laboratory for
Conservation of Cultural Property, Lucknow
and another in the Regional Conservation
Laboratory, Mysore a unit of National Research
Laboratory for Conservation of Cultural
Property, Lucknow.

* * * * *

Sir,

I have the honour to say that two posts of Lower
Division Clerk in the scale of pay of Rs 950 - 1500/- plus
allowances admissible as per Central Government rules are
available to be filled in this office. The qualification,
age etc. prescribed for the post are as under :-

Educational & other
qualifications :-

- i) Matriculation or equivalent qualifications.
- ii) Minimum speed of 30 words per minute in
English typewriting; provided

(22)

(22)

a) that a person not possessing the said qualification in typewriting may be appointed subject to the condition that he will not be eligible for drawing increments, permanency or for confirmation in the grade till he acquires a speed of 30 words per minute in English typewriting; and

b) that a physically handicapped person who is otherwise qualified to hold a clerical post but does not possess the said qualification ~~subject~~ in typewriting may be appointed subject to the condition that the Medical Board attached to the Special Employment Exchange for handicapped or where there is no such board, the Civil Surgeon certified that the said handicapped person is not in a fit condition to type.

Present Place
of Posting :

One post at National Research Laboratory for Conservation of Cultural Property, Lucknow and another one post at Regional Conservation Laboratory, Mysore.

Age 26 years.

2. According to the roster maintained in this office the reservation position is given as under :-

Un-reserved	:	One post.
S.C.	:	One post.
S.T.	:	Nil.
Ex-Serviceman	:	Nil.

3. It is requested that particulars of suitable condi-

(P)

dates, fulfilling the above requirements, available with you may kindly be sent to this office. In case no candidate is available with you, no objection certificate to the filling up of the post through permissible channels may please be sent.

Yours faithfully,

Sd/- x x x
(TEJ SINGH)
Project Officer
for Director.

True copy Attested

T. S. J.
10/1/90

(13) (13)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD
CIRCUIT BENCH, LUCKNOW

O.A. NO. : OF 1990 (L)

Ashok Kumar

..... Applicant

Versus

Union of India and others Opposite Parties

----- ANNEXURE - I -----

B/C

27.6.89	26	B.C.	15/7/89
R.D. 30 (P)		R.D. 30 (P)	
<p>प्रधानमंत्री द्वारा जनरल रेप्रेसेंटेव्स द्वारा दिया गया राजीनामा</p> <p>प्रधानमंत्री द्वारा दिया गया राजीनामा</p> <p>प्रधानमंत्री द्वारा दिया गया राजीनामा</p> <p>प्रधानमंत्री द्वारा दिया गया राजीनामा</p>		<p>प्रधानमंत्री द्वारा दिया गया राजीनामा</p>	
9.07.89	08.07.89	321	321
<p>प्रधानमंत्री द्वारा दिया गया राजीनामा</p>		<p>प्रधानमंत्री द्वारा दिया गया राजीनामा</p>	
9.07.89	08.07.89	HT-38.8	HT-38.8
31/06/89	31/06/89	424	424
31/06/89	31/06/89	16/11/89	16/11/89

True copy attested

Number 5

Yashpal
28.7.90

(15) (132)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD
CIRCUIT BENCH, LUCKNOW

O.A. NO. : OF 1990 (L)

Ashok Kumar Applicant
Versus
Union of India and others Opposite Parties

ANNEX'RE - 2

No.F.2-2-94-NRLC
Government of India
Dept. of Culture
National Research Laboratory for
Conservation of Cultural Property,

Sector E/3 Aliganj Scheme,
Lucknow: 16.6.1988

Employment Officer,
Regional Employment Exchange,
Charbagh, Lucknow.

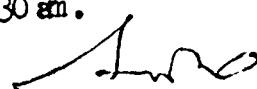
Subject: Requisition for ~~steno~~ typist on daily wages in
the M.N.R.L.C. Lucknow.

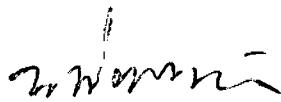
Sir,

It is to state that we are in urgent need of a
typist on daily wages ~~who know~~ in English and
Hindi having at least 6 months experience.

You are requested to send the particulars of the
candidates with the direction to report this office for
test and interview on 27.6.88 at 10.30 am.

25


(Satish Bahadur)
Jr. Administrative Officer
for Director




True copy Attest'd


16.1.90

ପାତା ୦୫ ପରିବର୍ତ୍ତନ ପରିବର୍ତ୍ତନ ପରିବର୍ତ୍ତନ

To: Mr. D. C. Miller Date: 27-11-1947
Re: Mr. D. C. Miller Dated: 27-11-1947
Dated: 27-11-1947

THE ECONOMIST

(122)

**DISCUSSION OF THE
DIRECTORATE OF MILITARY
INTELLIGENCE, U.S.A.**

1. All vacancies have been filled

Employment Officer

can be submitted or
dated _____ at hour _____

Slenderer of Employers

पा. नो 2-2/64 एप्लार०एल०तो०

भारत रक्षा, प्रस्तुति किभाग

राष्ट्रीय प्रस्तुति अम्बादा राज्य न्युजिएन्शाला

भारत-८३, अस्सीगढ़ लखनऊ २१३०२०

दिनांक: 26/6/88

मात्रा २८/६/८८ को दो दिन पूर्व राजारामा में तो गई रक्षा
प्रस्तुति राज्य अम्बादा द्वारा दो रु २५=०० इनिटियल पर दें
जाना गया था जो दो दिन बाद २८/६/८८ को अम्बादा राज्य
दिया गया था ।

अम्बादा विधायिका
मंडल

मात्रा २८/६/८८
राज्य अम्बादा
राज्य अम्बादा राज्य
दिया गया ।

पंजाब २८/६/८८
मात्रा

मात्रा २८/६/८८
मात्रा

मात्रा २८/६/८८

True copy A.C.R, T.S.

Y.S. 1988
29.1.90

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD
CIRCUIT BENCH, LUCKNOW

O.A. NO. : OF 1990 (L)

Ashok Kumar

..... Applicant
Versus
Union of India and others Opposite Parties

ANNEXURE

पत्र रद्दी एक्ट 2-2/84 एनोआर०एल०सी०

भारत राजार, राज्यवित्त विभाग

राज्यवित्त विभाग राज्यवित्त विभाग अधिकारी

रेलवे-८३, अस्सीगाँव लखनऊ 226020

दिनांक: 23/6/88

रेखायोगी अधिकारी

एम्बेड

विषय: टाइपिस्ट डैगिल के पदों पर व्यवस्था:-

निवेद्य,

लाप्ति नं. १० दर्ती/१८७/८८ दिनांक 27/८/८८ के द्वारा देखा गया दर्ती में वे विवादोंसहित का यस डैगिल के शाधार पर व्यवस्था दिया गया है।

१। श्री प्रमोद दुर्गा व्यासी -रजि० दर्ती/१४९२/८७

२। श्री लाल दुर्गा -रजि० दर्ती/१३६४४/८७

लाप्ति के द्वारा उन्हें तालिका की दुर्गी प्रति रखना है।

भारदीध

१०/८८

क्षमीय व्यापारी

कमिष्ट प्रशासनिक अधिकारी
द्वारा दिया

1
रामेन्द्र

True copy Attest

16/6/88
20/6/88

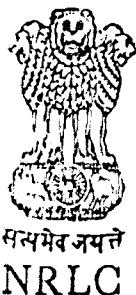
BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD
CIRCUIT BENCH, LUCKNOW

O.A. NO. : OF 1990 (L)

Ashok Kumar Applicant

Union of India and others Opposite Parties

ANNEXURE - 6



Tel : (0522) 74485, 74957
Gram CONSERLAB

राष्ट्रीय संसाधन संरक्षण अनुसंधान प्रयोगशाला
सेक्टर E-3, अलीगंज योजना, लखनऊ-226 020

NATIONAL RESEARCH LABORATORY FOR
CONSERVATION OF CULTURAL PROPERTY
Sector E/3, Aliganj Scheme Lucknow-226 020 (India)

दिनांक: 4-8-1989

प्रमाण-पत्र

प्रमाणित किया जाता है कि श्री अशोक कुमार पुत्र श्री
गुनाल लाल छा कायालिय के प्रशासनिक अनुग्राम में दिनांक: 28-6-88
से दैनिक देनन के आधार पर टैक्स लिपिक ॥हिन्दी, अंग्रेजी॥ रु 0
25/- ॥ख्यात पच्चीस मात्र॥ प्रतिदिन के आधार पर छार्टरत है।
श्री अशोक कुमार दैनिक देनन टैक्स का आचरण उत्तम है।

श्री अशोक कुमार
दैनिक देनन टैक्स लिपिक
एनोआरोएल०सी०
लखनऊ

२०८८/८५/५५
तेज सिंह
परियोजना अधिकारी

८१०८८-

True copy of the file
Yashpal
10.1.90

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD

CIRCUIT BENCH, LUCKNOW

O.A. NO.

OF 1990 (L) (R) (2)

Ashok Kumar

..... Applicant

Versus

Union of India and others

.... Opposite Parties

ANNEX'RE

NO.F. 2-3/80-NRLC

GOVERNMENT OF INDIA

DEPARTMENT OF CULTURE

National Research Laboratory for
Conservation of Cultural Property,
Sector E/3, Aliganj Scheme,
LUCKNOW - 226 020.

Dated 19.10.1989.

The Dy. Secretary,
Government of India,
Ministry of Home Affairs,
Department of Personnel & Administrative-
Reforms,
CS-III Section,
North Block,
NEW DELHI.

Subject:- Re-Deployment of surplus staff-filling up
of two posts of Lower Division Clerk, One
in the National Research Laboratory for
Conservation of Cultural Property, Lucknow
and another in the Regional Conservation
Laboratory, Mysore a unit of National
Research Laboratory for Conservation of
Cultural Property, Lucknow.

Sir,

I have the honour to say that Two post's of
Lower Division Clerk in the scale of pay of Rs.950-
1500/- plus allowances admissible as per Central
Government rules ~~is~~ available to be filled in this
office. The qualification, age etc. prescribed for
the post are as under:-

Educational & other
qualifications:-

- i) Matriculation or equivalent
qualifications.
- ii) Minimum speed of 30 words per minute
in English typewriting; provided
 - a) that a person not possessing the said
qualification in typewriting may be
appointed subject to the condition
that he will not be eligible for
drawing increments, permanency or for
confirmation in the grade till he
acquires a speed of 30 words per
minute in the English typewriting; and
 - b) that a physically handicapped person
who is otherwise qualified to hold a
clerical post but does not possess the
said qualification in typewriting may
be appointed subject to the condition
that the Medical Board attached to
the Special Employment Exchange for

2/10/11/2

Two copy sent to

File. 21

10/11/89

(PUC) (22)

handicapped or where there is no SAC Board; the Civil Surgeon certified that the said handicapped person is not in a fit condition to type.

Present Place of Posting

One post at National Research Laboratory for Conservation of Cultural Property, Lucknow and another one post at Regional Conservation Laboratory, Mysore.

Age:-

25 years.

2. According to the roster maintained in this office the reservation position is given as under:-

Un-reserved	:	One post
SC	:	One post
ST	:	NIL
Ex-Serviceman	:	NIL

3. It is requested that particulars of suitable candidates, fulfilling the above requirements, available with you may kindly be sent to this office. In case no candidate is available with you, a no objection certificate to the filling up of the post through permissible channels may please be sent.

Yours faithfully,

Tej Singh
(TEJ SINGH)
Project Officer
for Director

L.A.K./

This is by P.T.O.

T. Singh
(D) 1-40

2/1/1970

समृद्ध केन्द्रीय लोक सेवा अधिकारण, इलाहाबाद

लखनऊ पीठ, लखनऊ

आ०.स० नं० ----- वर्ष 1990 । रु. ।

अशोक कुमार..... प्राधीन

बनाम

भारत सरकार आदि विषयकोगण

अनुसंधानक 8

सेवा में,

निदेशक,
भारत सरकार, संस्कृति विभाग,
राष्ट्रीय सांस्कृतिक सम्पदा संरक्षण अनुसंधानशाला,
सेक्टर 3/3, अलीगंज योजना,
लखनऊ 226 020

विषय- अवर श्रेणी लिपिक/टंक के रिक्त पद पर नियमतीकरण के सम्बन्ध में ।

महोदय,

सविनय निवेदन इस प्रकार है:-

- 1- कि प्राधीन महोदय के अधीन दिनांक 28-6-1988 से दैनिक वेतन पर टंकण कार्य हेतु कार्यरत है तथा तब से निरन्तर कार्यरत है ।
- 2- यह कि प्राधीन की नियुक्ति सेवायोजन कार्यालय के माध्यम से महोदय के पत्रांक सं० 2-2/84, दिनांक 16-6-1988 के द्वारा क्रम में सेवायोजन निदेशालय के पत्रांक सं० 00/187/88, दिनांक 27-6-1988 के द्वारा अभ्यर्थियों की संलग्न सूची जिसमें कुल 7 अभ्यर्थी महोदय के कार्यालय में नियुक्ति हेतु भेजे गये थे उन सब अभ्यर्थियों में से महोदय ने प्राधीन रुप से अन्य अभ्यर्थी श्री प्रमोद कुमार अवस्थी को नियुक्ति किया किन्तु अन्तत्वोगत्वा श्री प्रमोद कुमार अवस्थी का अन्यत्र चयन हो जाने के कारण वह अपना पद छोड़कर अन्य जगह चला गया यहाँ पर वह भी उल्लेखनीय है कि श्री प्रमोद कुमार अवस्थी जिस स्थान पर कार्य कर रहे थे वह नितान्त अस्थाई थी किन्तु प्राधीन की नियुक्ति जिस रिक्त पद के विरुद्ध की गयी है वह पूर्णतः स्थाई पद है रुप से वह पद आज भी महोदय के अधीन रिक्त रुप से उपलब्ध पद है ।

3- यह कि भारत सरकार द्वारा जारी आदेश संख्या एफ 49014/2/86-इसस्टीटी (सी), दिनांक 7-6-1988 में निर्देशित अस्थाई कर्मचारियों की नियुक्ति के सम्बन्ध में दिशा निर्देश जारी हुए उसके अन्तर्गत प्राथीं उपरोक्त उल्लिखित पद में नियमित नियुक्ति पाने का अधिकारी है।

4- यह कि प्राथीं को ज्ञात हुआ है कि महोदय ने अपने इस पत्र दिनांक 19-10-1989 द्वारा "सरप्लस लैल" से दो रिक्त पदों में नियुक्ति हेतु अध्यार्थियों का नाम माँगा है जबकि प्राथीं उक्त पद के विरुद्ध दिनांक 28-6-1988 से निरन्तर कार्य कर रहा है एवं वह समस्त शैक्षिक व अन्य अहार्य योग्यता रखता है।

अतः महोदय से निवेदन है कि प्राथीं को राष्ट्रीय सांस्कृतिक सम्पदा संरक्षण अनुसंधानशाला, सेक्टर ई/३, अलीगंज, योजना, लखनऊ में रिक्त अवर श्रेणी लिपिक के रिक्त पद, जिस पर प्राथीं दैनिक वेतन कर्मचारी के रूप में कार्यरत है, पर नियुक्ति कर प्राथीं की सेवाओं का नियमितीकरण करने का कष्ट करें। आपकी महान् कृपा होगी।

प्राथीं आपका सदैव आभारी रहेगा।

प्राथीं,

दिनांक : 31-10-1989

। अशोक कुमार ।

दैनिक वेतन टंकक/लिपिक
एन.आर.एल.सी., लखनऊ।

अशोक कुमार

True copy received
16/10/89
10/1/90
10/1/90

25 (25)
BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD
CIRCUIT BENCH, LUCKNOW

O.A. NO. : OF 1990 (L)

Ashok Kumar

..... Applicant

Versus
Union of India and others

..... Opposite Parties

ANNEXURE - 9

Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel and Training

North Block, New Delhi-110001 Dated, the 7th June, 1988

OFFICE MEMORANDUM

Subject: Recruitment of casual workers and persons on daily wages-Review of policy.

The policy regarding engagement of casual workers in Central Government Offices has been reviewed by Government keeping in view the judgement of the Supreme Court delivered on the 17th January, 1986 in the Writ Petition filed by Shri Surinder Singh and other vs. Union of India and it has been decided to lay down the following guidelines in the matter of recruitment of casual workers on daily wage basis:

- (i) Persons on daily wages should not be recruited for work of regular nature.
- (ii) Engagement of daily wagers may be made only for work which is of casual or seasonal or intermittent nature or for work which is not of full time nature, for which regular posts cannot be created.
- (iii) The work presently being done by regular staff should be reassessed by the administrative Department in concerned for output and productivity so that the work being done by the casual workers could be entrusted to the regular employees. The Departments may also review the norms of staff for regular work and take steps to get them revised, if considered necessary.
- (iv) Where the nature of work entrusted to the casual workers and regular employees is the same, the casual workers may be paid at the rate of 1/30th of the pay at the minimum of the relevant pay scale plus dearness allowance for work of 8 hours a day.
- (v) In cases where the work done by a casual worker is different from the work done by a regular employee, the casual worker may be paid only the minimum wages notified by the Ministry of Labour or the State Government/Union Territory Administration, whichever is higher, as per the Minimum Wages Act, 1948. However, if a Department is already paying daily wages at a higher rate, the practice could be continued with the approval of its Financial Adviser.
- (vi) Casual workers may be given one paid weekly off after six days of continuous work.
- (vii) Right to the casual workers may be restricted only to the days on which they are engaged by the Government with a paid weekly off as mentioned at (v) above. They will, however, in addition, be paid for a National Holiday, if it falls in the working day for the casual workers.

1
R. Kumar

True copy attached

J. S. Khan
21/7/90

- (viii) In cases where it is not possible to entrust all the items of work now being handled by the casual workers to the existing regular staff, additional regular posts may be created to the barest minimum necessary, with the concurrence of the Ministry of Finance.
- (ix) Where work of more than one type is to be performed throughout the year but each type of work does not justify a separate regular employee, a multifunctional post may be created for handling those items of work with the concurrence of the Ministry of Finance.
- (x) The regularisation of the services of the casual workers will continue to be governed by the instructions issued by this Department in this regard. While considering such regularisation, a casual worker may be given relaxation in the upper age limit only if at the time of initial recruitment as a casual worker, he had not crossed the upper age limit for the relevant post.
- (xi) If a Department wants to make any departure from the above guidelines, it should obtain the prior concurrence of the Ministry of Finance and the Department of Personnel and Training.

All the administrative Ministries/Departments should undertake a review of appointment of casual workers in the offices under their control on a time-bound basis so that at the end of the prescribed period, the following targets are achieved:

- (a) All eligible casual workers are adjusted against regular posts to the extent such regular posts are justified.
- (b) The rest of the casual workers not covered by (a) above and whose retention is considered absolutely necessary and is in accordance with the guidelines, are paid emoluments strictly in accordance with the guidelines.
- (c) The remaining casual workers not covered by (a) and (b) above are discharged from service.

2. The following time limit for completing the review has been prescribed in respect of the various Ministries/Departments:

(a) Ministry of Railways	2 Years
(b) Department of Posts, Department of Telecommunications and Department of Defence Production	1 Year
(c) All other Ministries/Departments/Offices	6 months

Each Ministry should furnish a quarterly statement indicating the progress of the review of the Ministry(proper) and all Attached/Subordinate offices under them to the Department of Personnel and Training in the proforma attached. The first quarterly return will be furnished to this Department by the 10th October, 1988.

Strict strict and meticulous observance of the guidelines by all Ministries/Departments, it should be ensured that there is no more engagement of casual workers for attending to work of a regular nature, particularly after the review envisaged above is duly completed.

gma/mn -

3

scrutinise the cases
(27)

Each Head of Office should also nominate an officer who would be responsible for the scrutiny of each and every casual worker and the job for which he is being employed to determine whether the work is of causal nature or not.

4. Ministry of Finance etc. are requested to bring the contents of this Office Memorandum to the notice of all the appointing authorities under their respective administrative control for strict observance. Cases of negligence in the matter of implementing these guidelines should be viewed very seriously and brought to the notice of the appropriate authorities for taking prompt and suitable action against the defaulters.

(D.P.Bagchi) 7/6/88

Joint Secretary to the Government of India

To

All Ministries/Departments/Offices of the Government of India as per the standard list.

No. 49014/2/86-Est(C)

Dated the 7th June, 1988

A copy is forwarded for information and necessary action to:-

1. All the Attached and Subordinate offices of the Ministry of Home Affairs and the Ministry of Personnel, Public Grievance and Pensions.
2. Comptroller and Auditor General of India with 200 spare copies.
3. Ministry of Finance (Controller General of Accounts) Lok Nayak Bhavan, New Delhi.
4. Ministry of Finance (Department of Expenditure), Their U.O.No.S-45/EII/88 dated 9.3.1988 refers.,
5. Chief Controller of Accounts/Controller of Accounts of all Ministries and Departments of the Government of India.

A. Jayaraman
(A.Jayaraman)
Director

Copy to all officers and sections in the Ministry of Home Affairs and the Ministry of Personnel, Public Grievance and Pension.

31/6/88

True copy attested
Yelchin
16-1-90

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD
CIRCUIT BENCH, LUCKNOW
O.A. NO. : OF 1990 (L)

Ashok Kumar Applicant
Versus
Union of India and others Opposite Parties

ANNEXURE - 10

21/12/89-CS III
GOVERNMENT OF INDIA
DEPARTMENT OF PERSONNEL & TRAINING

6th Floor, Room No. 618 (Hall),
NIRVACHAN SADAN, NEW DELHI-1.

Dated, the 31.10.89

6 NOV 1989

The Director,

Dept. of Culture,

National Research Laboratory for

Conservation of Cultural Property,

Sector 8/2, Aliganj Scheme,

DEHRADUN - 226 020.

Subject: Retention/release of vacancies under the 'Redeployment
of Surplus Staff against vacancies in the Central Civil
Services & Posts (Group 'C') Rules, 1967.

sir, DEHRADUN, 15/10/89

Reference: Your letter/telegram No. F 28/86-NRLC at. 19.10.88
on the above subject. In this connection, I am to say that:-

(1) At present there are no suitable candidates available with the
Central (Surplus Staff) Cell/Special Cell, who could be posted
against the marginally noted vacant posts. In terms of Rule 3 of
the aforesaid rules, there is, therefore, NO OBJECTION to this/
these post(s) being filled through other permissible channels.

Deputy Division - 2 SUR
clerk [1SC]

955 - 1500/-

at - Mysore & Lucknow

IT IS DESIRED THAT THE SIGN

Note: 1 This clearance is subject
to the restriction/ban that may
have been imposed by the Central
Government under other rules/
orders on filling up of
vacancies.

Note: 2 If for any reason it is
not found possible to make
recruitment to the vacancies de-
alt with herein during the next
three months, a fresh NO OBJEC-
TION CERTIFICATE MAY BE OBTAINED
from the CENTRAL (SURPLUS STAFF)
CELL.

2) The vacancies indicated below/ in the margin are hereby withheld
for absorption of surplus staff against them. These vacancies
should NOT be filled without obtaining a specific clearance from
this Department. Suitable surplus staff will be nominated soon
against them separately.

True copy attached
Belen
18-10-90

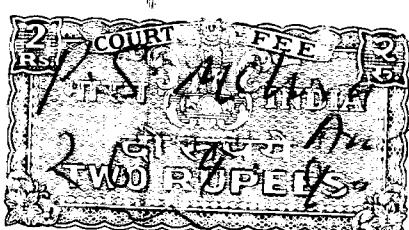
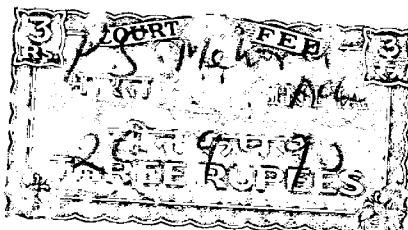
Yours faithfully,

FOR UNDER SECRETARY TO THE GOVT. OF INDIA,
Phone 382891.

Civil. disc. opin. 10. 11. 1.00

J. E. G.

• • • • 0 • : 11 of 1200



... son, aged about 25 years, son of Sri Jitendra Lal, resident of Care Sri Puro Shandra Ghati, House No. 60/136, Jaihindri Bazaar, Mymensingh, and residing in, Dacca.

and a significant

Verso

1. Union of India through its Secretary in Ministry of Human Resource Development and Department of Culture, Brasstridham, etc. etc.
2. Director General Research Secretary for Conservation of Cultural Property, Sector -3, Chandigarh, India, E-mail.

... es indicate

— 2 —

the applicant most humbly and respectfully prays
that for the facts and circumstances stated in the
accompanying rejoinder affidavit, a suitable tribunal be
selected to conduct the enquiry in light of the rejoinder
affidavit.

the earliest possible opportunity for the rest of
the class.

600 *W. J. H. Goss*

4-10 13-3,1033

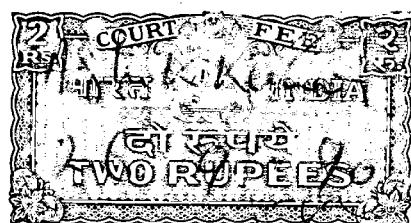
26/11/90

1512cm 26/9/45

(P.W)

CHIEF JUSTICE, B.L.D.

File No. : 19 of 1990 (1)



1990
AFFIDAVIT
60
HIGH COURT
ALLAHABAD

Ashok Kumar

.... applicant

/versus

Union of India and another respondent

JOINING PARTIES

I, Ashok Kumar, aged about 25 years, son of Sri Munirul, resident of care Sri Prem Chandra Jaini, House No. 60/136, Jauhar-i-Saraiya, near masjid Hanif Khan, Musainganj, Lucknow, do hereby solemnly affirm and state on oath as under : -

1. That the defendant is the applicant himself and as such he is fully conversant with the facts deposed.

The contents of para 1 of counter reply filed by the respondent No. 2 need no comments.

2. That the contents of para 2 of the counter need no reply.

3. That the contents of para 3 of the counter reply are not disputed.

4. That the contents of para 4 of the counter reply are true and denied. The defendant reiterates the averments, in para 4 of affidavit. It is further stated that the "Director will be on the territory for conservation of environment".

26/9/90

26/9/90

(A79)

However, respondent no. 2 has appointed the deponent vide Annexure 4 to the application till further orders and since then the applicant is in continuous job on daily wages basis. It is true to say that the work of the deponent ceased in effect from 24.1.1990. The deponent's representation dated 31.10.1989 (Annexure 8 to the application) is still pending with the respondent no. 2. The deponent has completed more than 240 days, the prescribed period for regularization under Industrial Disputes Act as such he is entitled for regularization of his services. The post in which the deponent was appointed still exists. This Table Tribunal's attack bench has held in the case of Viswanath Datta & others (I.L.R. No. 107 of 1989) that a casual labour rendered more than 370 days service is entitled for regularization. In the instant case the deponent has worked 186 days in the year 1988, 365 days in the year 1989 and 24 days in 1990 which is not disputed, by the respondent no. 2.

The respondent no. 2 unilaterally and arbitrarily forced the deponent to unemployment without issuing any show cause notice. The respondent no. 2 has not followed the mandatory provisions of law made for the purpose.

5. The contents of para 5 of the counter reply needs no reply.

6. The contents of para 6 of the counter reply needs no reply.

7. In answer to para 7 of the counter reply

312/1/91/316

R50

submitted that the deponent was appointed on daily wages on the basis of an examination conducted by respondent No. 2 and finding the deponent successful he was selected for the post.

8. That in answer to para 5 of the counter reply it is further stated that the deponent has been appointed by the respondent No. 2 through the agency of Employment Exchange. The employment officer sent the names of as many as seven candidates for the selection and the name of deponent's appears at Serial No. 1 in that list which is Annexure 3 to the application. Thus, the deponent is entitled for regularization on this fact also in the absence of a better method, the merit of employment exchange is to be preferred. This view has been expressed by Ayderasad Bench of this Hon'ble Tribunal in C.A. No. 13 of 1987 (M.L. Verma Vs. The Chief Engineer (C) Ray Lock).

9. That in reply to para 9 of the counter reply the deponent reiterates the averments made in para 4.5 of the application.

10. That the contents of para 10 of the counter reply are wrong and denied. The true fact is that the deponent has submitted his representation dated 31.10.1989 (Annexure 8) to the respondent No. 2. A photocast copy of 'Under Postal Certificate' dated 31.10.1989 is being filed as Annexure -1 to this rejoinder affidavit.

11. That in answer to para 11 of counter reply it is stated that the deponent was appointed by respondent No. 2 himself as it is evident from the para 1 from Annexure 4 that the appointment order dated 31.10.1989

(AS)

23.3.1990 was passed by the Director, National
Research Laboratory for conservation of cultural
property, Sector 1/3, Liang Chow, below.

The respondent No. 2 was doing the work
of typing as well as the clerk. The requisition
sent by the respondent No. 2 clearly shows that
the requisite qualification for the post of Lower
Division Clerk is articulation or equivalent
qualification and minimum speed of 30 words per
minute in English whereas the defendant possesses
the requisite qualification and he is a bilingual
typist having 35.2 and 42.4 words per minute in
English and Hindi languages respectively which is
more than required qualification. Thus, the
defendant is entitled for regularization of his
services. The appointment of the defendant was
done by competent authority who is also appointing
authority for Lower Division Clerk/typist.

12. That the contents of para 12 of the counter reply
are wrong and denied. The statement is that the
defendant has submitted his representation dated
31.10.1989 (Annexure 6) to the respondent No. 2 as
already explained in preceding para of this
affidavit. The defendant was appointed against the
vacant post of Lower Division Clerk/typist which
is still vacant and for the same post the respon-
dent No. 2 has sent requisition letter dated
27.11.1989 (Annexure 7-1) to the Selection
Committee, IITR and without considering the
defendant's representation letter 31.10.1989.

31/11/90 3MC

The respondent No. 2 has appointed the
Sri Joseph Lucy, as Lower Division Clerk with
an initial pay of : 150 - 1500 vide 'Letter - 7'

.....

o. S.2-3/3-13 letter 2nd April, 1990.

Photostat copy of a joint court order of
Criminal Court No. issued on 2.4.1990 is Annexure 1-2
to this rejoinder affidavit.

The Honourable Tribunal was pleased to pass
the following order on 30.1.1990 :-

"30.1.1990

Hon'ble Justice V. Path, V.D.
Hon'ble Mr. J. Taran, A.M.

Heard the learned counsel for the parties.
The applicant files a supplementary affidavit along
with an Annexure. The respondents may file a
counter affidavit to the entire case within three
weeks. Rejoinder affidavit, if any, may be filed
within one week thereafter.

List this case for admission/hearing on
28.2.1990.

In the meantime the respondents will not
make a jointment on one post of T.C./typist till
further orders of this Tribunal, although they
may proceed with and conclude the selection
process.

Sd/-
A.M.

Sd/-
V.C. "

Thus, this Honourable Tribunal have directed
the respondent not to make appointment on one post
of T.C./typist till further order. As the respon-
dent No. 2 has appointed Tri Daman Talyar in
violation of this Honourable Tribunal's order.

The applicant has moved another Civil Application
No. 114 of 1990 (1) before this Honourable
Court and the same was filed on 22.3.1990 and
it is pleased to pass the following order :-

(ASS)

"22.03.1.90

Counsel Mr. V. V. Agrawal, J.

Counsel Mr. R. Nayya, M.

Sari P.C. Mehta, for the applicant and
Sari D. Chandra for the opposite party No. 2 are
present. The op. No. 1 is unrepresented before
us. The applicant was appointed as typist by the
Op. No. 2 by an order dated 28.06.1988. The
applicant claimed that he was entitled to be
regularised. His apprehension was that Op. 2 was
planning to recruit candidate from outside without
considering the applicant for regularisation.
Therefore, an order was passed by the Tribunal on
30.01.1990 that, the Op. will not make appointment
on one post of L.C.C./Typist till further orders
of the Tribunal. Sari D. Chandra, counsel for the
Op. No. 2 has stated before us that in accordance
with the order of the Tribunal the department will
keep one post of L.C.C./Typist unfilled. However,
as subsequent development has taken place. The
applicant has been removed w.e.f. 25.1.90 on the
ground that his service were no longer required by
the department. The apprehension of the applicant
is that the department after dispensing service
of the applicant may appoint another typist as
his substitute. Therefore, in order to protect
the interest of the applicant, we say that
that in case the department, hereinafter called
dispenses of this application takes a decision
to appoint typist or Clerical Typist, the claim of
the applicant shall be first considered and no
appointment in place of the applicant shall take
place without the direction of the Tribunal.

Parash
9619/90

31/2/1990 3/1/90

(ASU)

Let the respondent and applicant be filed within 2 weeks hereof.

Costs for hearing on 23.01.1990. The copy of this order shall be given to the counsel of the parties as desired.

The respondent No. 2 is directed to make the payment to the applicant which is due to the applicant upto 25.01.1990, if not paid.

Id/- 1/-
...
...

The respondent have not considered the defendant's case for appointment to the post of typist/Lower Divisional Clerk and the appointment order dated 2.4.1990 (Annexure 12) has been passed by the respondent No. 2 in utter disregard of this ~~and this~~ ^{honorable} Criminal's aforesaid orders and as such respondent No. 2 is liable for contempt of this ^{honorable} Criminal's order.

13. Let the contents of para 13 of the counter reply be wrong hence denied. The letter dated 7.6.1986 issued by Government of India is fully admissible in the present case. The respondent reiterates the averments made in para 9 of the application. It is further submitted that the letter has been issued for recruitment of casual workers on daily wages and the respondent is entitled for regularisation of his services as he was retained by respondent No. 2 for a period more than 1 and half years. In aforesaid he was working regularly against the post he was posted in viz. the respondent No. 2 have appointed one Sri Josephatty V. inspite of stay order passed by this ^{honorable} Criminal.

Abu John
26/9/90

31st Jan 91

(AS)

Government of India issued Office Memorandum No. 20000001-3 (38/68 - R. A. (L. L.)/M.L. dated 17th May 1980 for recruitment through Employment Exchanges in which the attention of all the departments has been invited that in view of judgment dated 13.4.1987 passed by Hon'ble Supreme Court of India in the case of Union of India vs. S. L. Argopal and others the provisions time of the U (P) Act, 1959 hold valid and the Court has also laid down rule that insistence on recruitment through employment exchanges does not restrict the rights guaranteed by Articles 14 and 16 of the Constitution of India but advances these rights. Thus, the intention of issuing memorandum is based on the fact that the role of employment exchanges as a placement agency for all establishments is a channel of recruitment. The deponent has been appointed through the agency of employment exchange by the respondent No. 2 as such he is entitled for regularisation of his services.

A photostat copy of Office Memorandum dated 17.5.1980 is Annexure 4-3.

The contention of the Respondent No. 2 that the deponent was never attached to a particular Section or to a particular desk is wrong. The true fact is that the deponent since the date of his appointment till 24.1.1990 was attached to the establishment branch only under the Administrative Section and he has performed the duties of Lower Divisional clerk which is a permanent vacant post in the office of Respondent No. 2. The deponent had prepared monthly, quarterly, half yearly and yearly reports and returns ~~and~~ together with bilingual typing work of the establishment and accounts branch of the Administrative Section.


26/9/90

9
B21107990

(A56)

the office of respondent no. 2. The respondent
was the only typist in the Administrative section
in the office of "Director National Research
Laboratory for Conservation of Cultural Property,
Lilraj, Lucknow.

14. That the contents of para 14 of the counter affidavit are wrong and denied. The records relied on by the deponent are well maintainable in the eyes of law.

15. That the respondent no. 2 have wrongly denied the facts stated in para 3 of the application. The the deponent has moved his representation dated 31.10.1989 (Annexure 8) for regularisation of his services to the post of Lower Divisional Clerk/ Typist and the same is pending without disposal.

16. That the contents of para 16 of the counter affidavit need no reply.

17. That the contents of para 17 of the counter affidavit are not correct as stated by the respondent no. 2. The impugned letter dated 10.10.1989 (Annexure 7) has been issued by the respondent no. 2 without issuing any order of termination to the deponent as it is evident from the deponent's appointment order dated 28.3.1988 contained in Annexure 4 that he was appointed on daily wages basis till further order. It is, the impugned letter is in violation of mandatory provision of law especially in violation of section 25-A of Industrial Disputes Act, 1947 and the deponent is entitled for regularisation of his services to the post of Lower Divisional Clerk. It is further stated that during the pendency of this application

(A. K. Bhowmik
26/9/90)

31/10/90

ASY

10.2.1990 the defendant was also completed his age of 25 years which is upper age limit in the Central Government Offices for appointment.

18. That the contents of para 19 of the counter affidavit are wrong and denied. The defendant is entitled for his relief and this honorable tribunal has rightly allowed the defendant's application for interim relief. The respondent no. 2 malafide and willingly disobeyed the orders dated 30.1.1990 and 22.3.1990 of this honorable tribunal and the respondent no. 2 is guilty of contempt for which he is liable to be punished. The defendant's application deserves to be allowed with exemplary costs.
19. That the contents of para 19 of the counter affidavit need no reply.
20. That this rejoinder affidavit could not be prepared earlier due to illness of the defendant and the delay in filing this rejoinder affidavit deserves to be condoned as otherwise the defendant will suffer irreparable injury.

Alwin
26/9/90

Defendant :

Dated : 26.9.1990

31/9/90 grt
Defendant

(A56)

7, the above named defendant do hereby verify that the contents of para 1 to 12, 15 & 20 of this rejoinder affidavit are true to my personal knowledge & those of paras 13 and 14 are believed by me to be true on the basis of legal advice tendered to me. No written material has been concealed and in part of it is false. No false method.

Signed and verified this 26th day of September 1990
within the court compound at Mumbai.

Place : 312/105 4th fl

Date : 26.9.1990

Reportant

Identify the defendant who was
questioned before me.

Klein
26/9/90

(P. S. Mehra)
Advocate

Arupde
26/9/90

C No 50/1168

09.00 A.M.

26.9.90

Ch. No. 1

Ashok Kumar

Date

P. S. Mehra

Advocate

Adwaresh

Time

C No 50/1168

26.9.90

of this
rejoined.

R-1.

U.P.C.

fixatives

31/10/05 (TUESDAY) 2005

④ Berlin
26/9/91

3121166 43016

..... *optimum*
..... *les, indépendant*

— 2 —

No. 2-8/54-MLA
Government of India
Department of Culture
National Research Laboratory for
Conservation of Cultural Property
Sector E/3, Allenganj Scheme,
LUCKNOW.

April 19, 1921, \$200.

OFFICE - CLOTH

Sir Joseph Kutty.K. is hereby appointed as Acting Director, Clerk in a temporary capacity in the National Research Institute for Conservation of Cultural Property, Lucknow, on an initial pay of Rs.950/- per month plus usual allowances as admissible under the rules in the pay scale of Rs.970-20-167-E2-25-1500/- with effect from 15th March, 1999 (Tottenham) 2001 further orders.

Alister
26/9/90

9-3 3rd term
INTERVIEW WITH
S. S. S.

Shri Joseph Kutty K.
Lower Division Clerk,
N. R. L. C. Lucknow.

$$3i^2 + c_3 + m_1^2 = 0$$

BEFORE THE HONOURABLE COURT OF APPEAL AT MUMBAI
CIVIL APPEAL NO. 1000 OF 1990

Ashok Kumar

..... Applicant

versus

Union of India and another

..... Respondent

AB1

No. DGET-3(38)/86-EMI(DIN), ~~ETI~~
Government of India/Bharti Sahakar
Ministry of Labour/Shram Mantralaya
Directorate General of Employment and Training

New Delhi, dated the 17th May, 1989.

OFFICE MEMORANDUM

Subject:- Recruitment through Employment Exchanges.

The undersigned is directed to invite the attention of all the Ministries/Department to this Ministry's O.M. of even number dated 12-10-88 forwarding a copy of the judgment of the Supreme Court of India dated 13th April, 1987 concerning the Union of India Vs. N. Hargopal and others. As may be seen from the judgment the Supreme Court of India has held valid all the provisions of the EE(CNV) Act, 1959. The Court has also laid down rule that insistence on recruitment through Employment Exchanges does not restrict the rights guaranteed by Article 14 & 16 of the Constitution but advances these rights. While forwarding the copy of the above judgment, it was thought that all the Ministries/Departments would give due publicity to the judgment and also bring this to the notice of all the offices/organisations which are under their administrative control. The fact that the judgment has supported the role of Employment Exchanges as a placement agency for all the establishments in the people only through the Employment Exchanges, if they are not otherwise exempted from. The other channel of recruitment could be tapped only when the Employment Exchanges issue non-availability certificate.

This Ministry not yet heard anything from the Ministries/Departments in this regard. All the Ministries/Departments are, therefore, requested kindly to inform this Ministry with the steps which they have taken in this direction. In case no action has been taken on the judgment, it is again requested to issue necessary instructions to all the offices under their control. A copy of the instructions issued may kindly be forwarded to this Ministry for information and record.

(A. K. Bhanu)
26/5/90
public sector, it is necessary
for them to recruit the

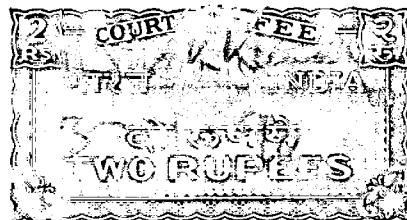
(J. N. Prasad)
Joint Director of Employment Exchanges

All the Central Ministries /Departments
of Government of India.

(RAI)

CIRCUIT BENCH, LUCKNOW.

C. I. No. : 19 OF 1990 (2)



Ashok Kumar

.... Applicant

Versus

Union of India and others

.... Opposite Parties

SUPPLEMENTAL AFFIDAVIT

I, Ashok Kumar, aged about 25 years, Son of Sri Munna Lal, resident of Care Sri Prem Chandra Gaini, House No. 60/136, Jauhari Ki Garhia, Near Masjid, Nanhe Khan, Musainganj, Lucknow do hereby solemnly affirm and state on oath as under :-

1. That the deponent is the applicant himself and as such he is fully conversant with the facts deposed.

2. That the deponent has filed the application in this Hon'ble Tribunal and on 19.1.1990 the Hon'ble Tribunal was pleased to direct the deponent to file the letter dated 27.11.1989 issued by Director National Research Laboratory for Conservation of Cultural Property, Lucknow, respondent No. 2 for requisition of one post of Lower Division Clerk, Group 'C' in the pay scale of Rs. 930 - 1500.

3. That the Director, National Research Laboratory for Conservation of Cultural Property, Lucknow vide his letter dated 27.11.1989 forwarded a requisition to

recruitment of one post of lower division clerk Group 'C' in the scale of pay of Rs 950 - 1500/- to the ~~Regional~~ Director Staff Selection Commission, Department of Personnel and Administrative Reforms, (Ministry of Home Affairs), 8, Delhi Road, Allahabad whereas the deponent is already working in the said post since 28.6.1988 (Annexure 4).

A true copy of letter dated 27.11.1989 issued by Director National Research Laboratory for Conservation of Cultural Property, Lucknow is being filed as Annexure S-1 to this affidavit.

4. That the Director, National Research Laboratory for Conservation of Cultural Property, Lucknow is not allowing the deponent to enter in the office from 25.1.1990 though no any order has been communicated to the deponent till now.
5. That the deponent will suffer irreparable injury if the Respondent No. 2 be not immediately restrained from appointing a new candidate in place of the deponent for the post of lower Division Clerk/Typist in the pay scale of Rs 950 - 1500/-.

Lucknow :

Dated : 30.1.1990

Amrit Singh
Deponent

.....3

*8
30-1-90*

Act

VERIFICATION

I, the above named deponent, do hereby verify that the contents of paras 1 to 5 are true to my own knowledge. Nothing material has been concealed and no part of it is false. So help me God.

Lucknow :

Dated : 30.1.1990

P.S. Mehra
Deponent

I identify the deponent who has signed before me.

P.S. Mehra
30.1.90
(P.S. Mehra)
Advocate

Solemnly affirmed before me on 30.1.90
at 9.30 A.M./P.M. by the deponent
Sri Ashok Kumar, who is identified by
Sri P.S. Mehra, Advocate, High Court
Allahabad, Lucknow Bench, Lucknow.

I have satisfied myself by examining
the deponent that the deponent under-
stands the contents of this supplementary
affidavit which has been explained
to him by me.

P.S. Mehra

21/175
30.1.90

(A/S)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD

CIRCUIT BENCH, LUCKNOW.

C.A. No. :

CF 1990 (L).

Ashok Kumar

.... Applicant

Versus

Union of India and others Opposite Parties

ANNEXURE - S-1

No. F.2-8/86-NRLC
GOVERNMENT OF INDIA
DEPARTMENT OF CULTURE

National Research Laboratory for
Conservation of Cultural Property,
Sector E/3, Aliaganj Scheme,
LUCKNOW - 226020.

Dated 27.11.1989.

The Regional Director (CR),
Government of India,
Staff Selection Commission,
Department of Personnel &
Administrative Reforms,
(Ministry of Home Affairs)
8, Jali Road,
ALLAHABAD

Subject : Filling up of the post of Lower Division Clerk
in the National Research Laboratory for
Conservation of Cultural Property, Lucknow.

.....

Sir,

I have the honour to forward herewith a requisition
(in duplicate) for recruitment of one post of Lower
Division Clerk Group 'C' in the scale of pay of Rs 950 -
1500 in the National Research Laboratory for Conservation
of Cultural Property, Lucknow, a subordinate office under
the administrative control of the Department of Culture,
New Delhi. A clearance for filling up the post through
other permissible channels have been obtained from the
Central Surplus Staff Cell vide their letter No. 2/12/
89-CS-III, dated 31.10.89/6.11.89.

2. It is requested that one suitable qualified
candidate may kindly be nominated to this office at an
early date. According to the model roster for Group 'C'
posts, vacancy is unreserved candidate.

3. An early action in the matter will be highly
appreciated.

Yours faithfully,

Sd/- x x x x x
(SATISHI SINGH)
Jr. Administrative Officer
for Director.

37/100/1

Vacancies in post of Lower Division Clerk/Clerk to be filled in the Subordinate Offices of the Government of India Lucknow from the Clerks Grade Examination 1988.

1. Name of Post : Lower Division Clerk.
2. Name of Office and Ministries/Deptts. under which functioning. : Department of Culture, Ministry of Human Resource Development, National Research Laboratory for Conservation of Cultural Property, Lucknow - 226020.
3. Full address of Office : National Research Laboratory for Conservation of Cultural Property, Sector 7/3, Aliganj Scheme, Lucknow - 226020.
4. State/UT. in which located. : Uttar Pradesh.
5. Zone in which located : No. 8 (Central Region)
6. Number of vacancies to be filled by :-
 - (a) General Category : ONE
 - (b) SC Candidates : -
 - (c) ST Candidates : -
 - (d) Ex-servicemen : -
 - (e) Physically handicapped. : -
7. Total approximate number : ONE of vacancies likely to be filled for the period upto 28.2.1990 (including reservation position).

Signature :

Designation :

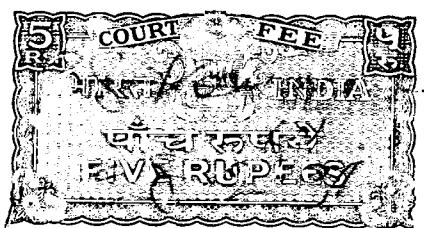
Office Seal :

Station : Lucknow.

Dated : 27.11.1989.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD

CIRCUIT BENCH, LUCKNOW.
C.M. 114/30
O.A. NO. : 19 OF 1990 (L).



Ashok Kumar, aged about 25 years, Son of Sri Munna Lal, resident of Care Sri Prem Chandra Saini, House No. 60/136, Jauhari Ki Garahia, near Masjid Nanhe Khan, Husainganj, Lucknow.

.....Applicant

versus

L.
v/s
1. Union of India through its Secretary in
Ministry of Human Resource Development and
Department of Culture, Shastri Bhawan,
New Delhi.

2. Director, National Research Laboratory for
Conservation of Cultural Property, Sector
E-3, Ali Janj Scheme, Lucknow.

.....Respondents

APPLICATION FOR INTERIM RELIEF

The applicant most humbly and respectfully
prays that for the facts and circumstances stated
in the accompanying affidavit the Hon'ble Tribunal
be pleased to direct the opposite parties to pay
the applicant his wages/salary regularly during the
pendency of the application.

The applicant shall ever pray for this act
of kindness.

Lucknow :

Dated : 28.2.1990

Counsel for the Applicant

G. S. Mehra
30/2/80
(F. S. Mehra)
Advocate

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD
CIRCUIT BENCH, LUCKNOW.

O.A. No. : 19 of 1990 (L)

1989
AFFIDAVIT
24/1/1990
HIGH COURT,
ALLAHABAD



Ashok Kumar

.... Applicant

Versus

Union of India and another

.... Opposite Parties

A F F I D A V I T

I, Ashok Kumar, aged about 25 years, son of Sri Munna Lal, resident of Care Sri Prem Chandra Saini, House No. 60/136, Jauhari Ki Garahia, Near Masjid Nanhe Khan, Husainganj, Lucknow do hereby solemnly affirm and state on oath as under :-

1. That the deponent is the applicant himself and as such he is fully conversant with the facts deposed.

2. That opposite party No. 2 is not paying the deponent his wages for the month of January 1990 though the same was due on 1.2.1990 inspite of deponent's repeated request. The deponent had requested in writing on 3.2.1990 and 21.2.1990 for payment of his salary for the month of January but nothing has been done till now.

The photostat copies of registered letter dated 3.2.1990 and 21.2.1990 are Annexure S-2 and S-3 to this affidavit.

(P.S.)

3. That the deponent is suffering irreparable injury due to non-availability of his wages and he has also completed his age of 25 years on 10.2.1990 which is upper age limit for appointment in Central Government's offices.

4. That the deponent is entitled to be regularised in the vacant post of Lower Division Clerk/Typist in the pay scale of Rs 950 - 1500 as the deponent is working in that post since 28 June 1988 without any break.

Lucknow :

Dated : 28.2.1990

Mehra

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 own knowledge. Nothing material has been concealed and no part of it is false. So help me God.

Lucknow :

Dated : 28.2.1990

Mehra

Deponent

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

28/2/1990
(P.S. Mehra)
Advocate

Solemnly affirmed before me on 28/2/1990 at 11.30 A.M./P.M. by Sri Ashok Kumar, the deponent who is identified by Sri P.S. Mehra, Advocate High Court Allahabad, Lucknow Bench, Lucknow.

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

Signature
Kanikesh Sharma
OATH COMMISSIONER
High Court, Allahabad
Lucknow Bench

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD
CIRCUIT BENCH, LUCKNOW.

O.A. No. : 19 of 1990 (L)

Ashok Kumar Applicant

versus
Union of India and another A.N.E.X.II.Q.5-2 Respondent

To

The Director
National Research Laboratory for
Conservation of Cultural Property
Sector E-3, Aliganj Scheme,
Lucknow - 226 020

Subject : Payment of the wages for the Month of
January, 1990.

.....

Sir,

With due regard, I beg to state that I am working on the post of LDC/Typist on daily wages basis since 28.6.1988 and I have received my pay upto 31.12.1989. But my salary with effect from 1.1.1990 to 31.1.1990 is still unpaid though the same is due as on 1.2.1990.

It is, therefore, most respectfully prayed that the applicant be kindly paid his salary for the month of January, 1990 on an early possible date as otherwise the applicant will be forced to starvation.

With regards.

Yours faithfully,

Ashok Kumar

(Ashok Kumar)
LWT, N.R.L.C., Lucknow.
C/O SRI PREM CHAND SAINI
60/136, JAUHARI KI WARKHA
NEAR NANHE KHAN MASJID,
HUSAINGANJ, LUCKNOW.

बीमा नहीं/NOT INSURED

रायां गये डाक टिकटों का मूल्य 50 रु. नं. 1988, No.

Amount of stamps affixed 50 P.

रु. 1 रजस्ट्री* 5/60 प्राप्त किए

Received a Registered *the Director*

गाने वाले का नाम.....

Addressed to N.R. Lab

4251

प्राप्त किए

प्राप्त किए

प्राप्त किए

25.2.90 वाले का नाम

Signature of Postage Paid Officer

(PA)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD
CIRCUIT BENCH, LUCKNOW.
O.A. No. 19 of 1990 (L) Applicant
Ashok Kumar Versus
Union of India and another Respondent
A N N S X U R E - 5-3

To

O

Dated : 21.2.1990.

The Director
National Research Laboratory for
Conservation of Cultural Property
Sector E-3, Aliaganj Scheme,
Lucknow - 226 020

Subject : Payment of the wages for the
month of January, 1990.

.....

Reference : My application dated 3.2.1990.

Sir,

With due regard, I beg to state that I am working on the post of LDC/Typist on daily wages basis since 28.6.1988 and I was paid my pay upto, 31.12.1989. Thereafter, my salary is due on 1.2.1990 for the period with effect from 1.1.1990 to 31.1.1990 for which I have moved an application dated 3.2.1990 but no payment has yet been made to me.

It is, therefore, most respectfully prayed that the applicant be kindly paid his salary for the month of January, 1990 on an early possible date as otherwise the applicant will be forced to starvation.

With regards.

Yours faithfully,

Ashok Kumar

(Ashok Kumar)
DWT, N.R.B.C., Lucknow.
C/O Sri Prem Chand Saini
60/136, Jauhari Ki Garahia
Near Nanhe Khan Masjid,
Husainganj, Lucknow.

L.C. to :

The Secretary
Government of India
Department of Culture
Shastri Bhawan
NEW DELHI.

- Together with a copy
of my application
dated 3.2.1990 for
ready reference.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD
CIRCUIT BENCH, LUCKNOW.

O.A. No. : 19 of 1990 (L)

Ashok Kumar Applicant

Versus
Union of India and another Respondent
ANNEXURE

आरो पी०-५१ (क) / R. P.-५१ (a)	रि /No.
लगाई गई डाक टिकटों का मूल्य रु. 67/-	67/-
Stamps affixed	Rs.
पंजीकृत मूल्यदेव	प्राप्त किया
Received	d. V. P. registered
पाले दाले दा नाम	तारीख-मोहर
Addressed to	Date stamp
“इन्हें पूरे जरूर बीमारक हो, बीमारक याद के साथ यहां पर्याप्त है।”	“पार्सेल” अंगठा
“रेलवे रसाइ” लिखा है।	“रेलवे रसाइ” लिखा है।
*Write here “Letter”, “Parcel” or Railway Receipt with the word “Insured” before it when necessary	
प्राप्त किया न हो रकम वस्तु कराया है।	— १० —
Amount to be recovered from the addressee	Rs. 10 P.

प्राप्तकर्ता अधिकारी के हस्ताक्षर/Signature of the receiving officer

*केवल जब डाक वस्तु का लोगा करना हो तब सम्भव नहीं अंगठा दो तिरछी लाइनों द्वारा काट दिया जाए।

*To be filled in only when the article is to be insured, otherwise to be crossed out by means of two diagonal lines.

रु. (रुपयों में) (शब्दों में) के लिए बीमारक

Insurance for Rs. (in fig.) (in words) रुपया

बीमा शुल्क रु. पैसे वजन (शब्दों में) ग्राम Grams

Insurance fee Rs. P. Weight (in words) Grams

आरो पी०-५१ (क) / R. P.-५१ (a)	रि /No.
लगाई गई डाक टिकटों का मूल्य रु. 67/-	67/-
Stamps affixed	Rs.
पंजीकृत मूल्यदेव	प्राप्त किया
Received	d. V. P. registered
पाले दाले दा नाम	तारीख-मोहर
Addressed to	Date stamp
“इन्हें पूरे जरूर बीमारक हो, बीमारक याद के साथ यहां पर्याप्त है।”	“पार्सेल” अंगठा
“रेलवे रसाइ” लिखा है।	“रेलवे रसाइ” लिखा है।
*Write here “Letter”, “Parcel” or Railway Receipt with the word “Insured” before it when necessary	
प्राप्तकर्ता से हो रकम वस्तु कराया है।	N. Deekha —
Amount to be recovered from the addressee	Rs. 10 P.

प्राप्तकर्ता अधिकारी के हस्ताक्षर/Signature of the receiving officer

*केवल जब डाक वस्तु का लोगा करना हो तब सम्भव नहीं अंगठा दो तिरछी लाइनों द्वारा काट दिया जाए।

*To be filled in only when the article is to be insured; otherwise to be crossed out by means of two diagonal lines.

रु. (रुपयों में) (शब्दों में) के लिए बीमारक

Insurance for Rs. (in fig.) (in words) रुपया

बीमा शुल्क रु. पैसे वजन (शब्दों में) ग्राम Grams

Insurance fee Rs. P. Weight (in words) Grams

(C)

CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH LUCKNOW

C.A. NO.19 of 1990 (I)

Ashok Kumar	Applicant.
	Versus	
Union of India & Ors	Respondents.
<u>30.1.1990</u>		
Hon'ble Justice K. Nath, V.C.		
Hon'ble Mr. K.J. Raman, A.M.		

Ward the learned counsel for the parties. The applicant files a supplementary affidavit along with an Annexure. The respondents may file a counter affidavit to the entire case within three weeks. Rejoinder affidavit, if any, may be filed within one week thereafter.

List this case for admission / hearing on 28.2.1990.

In the meantime the respondents will not make appointment on one post of LDC/Typist till further orders of this Tribunal, although they may proceed with and conclude the selection process.

Sd/-	Sd/-
A.M.	V.C.

1990-01-30
// True Copy //

rmr/

(62)

CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH LUCKNOW

O.A. NO.19 of 1990 (L)

Ashok Kumar Applicant.

Versus

Union of India & Ors Respondents.

30.1.1990

Hon'ble Justice K. Nath, V.C.

Hon'ble Mr. K.J. Raman, A.M.

Heard the learned counsel for the parties. The applicant files a supplementary affidavit along with an Annexure. The respondents may file a counter affidavit to the entire case within three weeks. Rejoinder affidavit, if any, may be filed within one week thereafter.

List this case for admission / hearing on 28.2.1990.

In the meantime the respondents will not make appointment on one post of LDC/Typist till further orders of this Tribunal, although they may proceed with and conclude the selection process.

Sd/-

Sd/-

A.M.

V.C.

Chh. S. J. M.
R.M./

100-211190
// True Copy //

100-211190
CENTRAL ADMINISTRATIVE TRIBUNAL

REGISTRATION NO. 100-211190

RECEIVED ON 28.2.1990

RECORDED ON 28.2.1990

(C)

- 3 -

ATLT 1988(2) GT 3 =

High

Emp Ech with best channel
1200 ft

- This is a high level of consistency
- Daily, independent ~~and~~ ^{only} same signals.
- like in my own, Dalt Pem is equivalent to
four news from Simplex
- when Dalt Pem is off, then 5
my other 5 lines
start carrying signals
No news reception
- Daily news digest with a link path — JC
in termination is at 7 mi — Return
- Oct 26 1988 Same channel 7 mi on to the library
7-90 : (1. return) on high — m

(E.U.)

1973 - ~~Emergency - 350 - 350 cases~~ - APR 1973 - 1st for treatment K7W
post of ~~aff~~ Emergency Quarantine
C.R.K.

31-11-81 - Promoted to ~~Emergency~~ - 422-640
Selected post (Video) 6(f)

Feb 1984 - Promoted to ~~Emergency Quarantine~~ - 451-700

4-70-76 - ~~Emergency - 1-6-76~~ - APR 1984 - Points 14-8-0-01
as Count Clerk Arabian Sea at W19 - 14-8-239
78

18-9-86 - ~~Emergency - 1st~~ - ~~Emergency - 1st~~

31-7-88 - ~~After retired~~ - - 2 -

21-12-90 - ~~After file~~

{ Intentional & 301.90 = keep in post until file
Balances of 22-3-90 = 14-11-90 before removal of Right - disinfectant
aff, 14-11-90 for quarantine in Emergency &
no client should be met within the boundary
Prohibited

Bal 2 officer on J. Kelly U. met 15-3-90 by order of 2-4-90
the R.G.

(In this) Contingent Application No 1/91 was filed on Am 2 TCA Applicable to
9-1-91 or 31-1-90 Commercial
area 14-30-1-90

Am 6 9 APR 6 exp off no 1
Commercial area
at 22-3-0

1989 ⁽¹⁾ ATLT 22 Halli Gonda
SC Managing Director KRTC
? After 240 days entitled the Warden - (Chemical
fibers area

(03/11/89/130/14) Aslih

(5)

⑤ 802/2000 (01/08/89) sent to Dr. R. Reng, Dept. of Patents & Trademarks, Government of India, to examine & grantable trademarks for prints of Lalg Ram & his signature for a day to be registered in the name of applicants.

On a reservation sent to Dr. R. Reng, name of applicants along with the mark registered for the prints of signature in a daily basis.

+ signature is sent in daily basis of Rs 25/-

monthly. (100/-)

With marking of date word sent to Dr. R. Reng.

is work & signature - satisfactory

10. to Committee

Received report & register for registration

11. to Dr. National Research Laboratory for Registration of Industrial Property -

12. - Approved Name - Exchange, Considerable & suitable after digital scan. Signature print prints, Lewis (Lewis print), Considered satisfactory
13. - Registration No. 311089 -

14. to Govt. of India / 197/1989 - for regularization of said mark.

15. It is registration is regular & no objection - sent Dr. R. Reng.

16. Contains the said implementation in accordance with the guidelines.

17. - By implementation implemented

18. - The extension of 3 months in an extension of validity

19. - Received - Dr. R. Reng

20. - 1999 - 1999 - 1999

21. - The opposition was all former orders - mainly 1999
22. - Not going to say that he has been given 2nd & 3rd & 4th 1990

under 1990 Act, after 20 days entitled for registration.

- without notice - 1990

- An objection with him as date & signature - 1990

- 1990 - 1990 - 1990 - 1990 - 1990 - 1990 - 1990

Opposition against a notice - 1990 - 1990 - 1990 - 1990

Opposition against a notice - 1990 - 1990 - 1990 - 1990

- 1990 - 1990 - 1990 - 1990

DENCHAT LUCKI
CONTempt PETITION NO. 1

ASHOK KUMAR

SRI

M.V.

NAIR

AND

ANOTHER

PROCEEDINGS

VERSUS

Applicant

OPPOSITE

DATE

28/11/41

29/11/41

f. c.

PC

C/A:

P.S. Mehta

Sub. Mehta Me

ANNEXURE - A

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCI NOW .

INDEX SHEET

CAUSE TITLE Contestant 1 of 1991 (C)
a-19 of 90 (C)

Name of the parties _____

Albion - Kinsley

Applicant.

Versus.

Questioner Dr M.V. Nair Respondents.

Part A.B.C.

Sl No.	Description of documents	Page
1	Exhibit A	A1
2	Journals in O.A. F1 of 90 (5) A3-AG	
3	Court of session	A2 - A8
4	Proceedings	A9 - A14
5	Miscellaneous	A20 - A24
6	Index	A25 -
7	Index - C 1990	B1 - B24

----- tent B/C landed out of range -----

SO(3)

1/91 L
R

ORDER SHEET

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD/C.B. LUCKNOW

Contempt

No.

1

OF 1991 (S)

Ashok Kr

Vs.

Sr. M. V. Nair

<u>S. No.</u>	<u>Date</u>	<u>Office Report</u>	<u>Orders</u>
	<u>28/1/91</u>	<u>No written reply to</u> <u>OR</u> <u>He for the applicant</u> <u>has filed Contempt</u> <u>Act. No. 1/91 (S) against</u> <u>the ^{order} judgment dt. 30/1/91</u> <u>S. F. O.</u> <u>4/2/91</u>	<u>5/2/91</u> <u>L</u>
	<u>5/2/91</u>	<u>Hon. Mr. Justice K. Obaid, V.C.</u> <u>Hon. Mr. K. Obanya, A.M.</u>	
		<u>Arguments in O.A. No. 19/90 (L)</u> <u>heard. Orders will be passed</u> <u>alongwith the judgment in</u> <u>the original application.</u>	
		<u>A.M.</u>	<u>V.C.</u>

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD

CIRCUIT BENCH AT LUCKNOW.

COMPLAINT PETITION NO. |

OF 1991 (L)

Ashok Kumar

In
O.A. 1990 (L) Applicant
Versus

Sri M.V. Nair and another

.... Opposite Parties

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Sl. No.	Particulars	Page No.
1.	Application for Contempt	1 to 6
2.	Photostat copy of Hon'ble Tribunal's order dated 30.1.1990. <u>ANNEXURE 1</u>	7
3.	Photostat copy of applicant's applica- tion dated 31.1.1990 to Director	
	<u>ANNEXURE 2</u>	8 - 9
4.	Photostat copy of applicant's applica- tion dated 31.1.90 to Director and Secretary. <u>ANNEXURE 3</u>	10
5.	Photostat copies of postal receipt No. 1701 dated 31.1.1990 and postal receipt No. 4143 dated 3.2.1990.	
	<u>ANNEXURE 4</u>	11
6.	Photostat copy of Hon'ble Tribunal's order dated 22.3.1990. <u>ANNEXURE 5</u>	12
7.	Photostat copy of application dated 27.3.1990. <u>ANNEXURE 6</u>	13
8.	Photostat copies of Postal receipt No. 6396 and acknowledgement, duly received by S.P. No. 1. <u>ANNEXURE 7</u>	14
9.	Photostat copy of Under Postal Certifi- cate dated 27.3.1990. <u>ANNEXURE 8</u>	15
10.	Photostat copy of appointment order of Sri Joseph Kutty. K. <u>ANNEXURE 9</u>	16

Sl No.	Particulars	Page No.
11.	Photostat copy of application dated 10.4.1990.	<u>ANNEXURE 10</u> 17
12.	Photostat copy of application dated 16.11.1990.	<u>ANNEXURE 11</u> 18
13.	Affidavit	19 - 23
14.	Vakalatname	24

Lucknow :

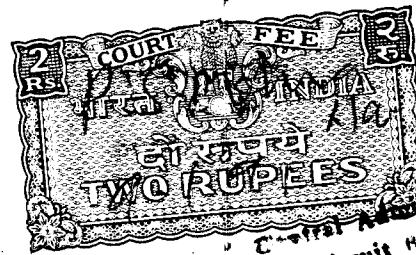
Dated : 9.1.1991

P.S. Mehra
(P.S. Mehra)
Advocate
Counsel for the Applicant

BEFORE THE GENERAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD
CIRCUIT BENCH AT LUCKNOW.

CONTEMPT PETITION NO.

1 OF 1991 (L)



..... Applicant

Versus

1. Sri M.V. Nair ; Director, National Research Laboratory for Conservation of cultural property, Sector E-3, Tiliganj Scheme, Lucknow.
2. Dr. I.K. Bhatnagar, Project Officer, National Research Laboratory for Conservation of Cultural Property, Sector E-3, Tiliganj Scheme, Lucknow.

Opposite parties

APPLICATION UNDER SECTION 17 OF THE CENTRAL
ADMINISTRATIVE TRIBUNAL ACT 1985 FOR CONTEMPT

The applicant most humbly and respectfully submits as under : -

1. That the applicant after passing Intermediate Examination was registered in the Employment Exchange, Lucknow having registration No. C/13644/87 dated 26.6.1987. The applicant is a bilingual typist having 35.2 and 42.4 words per minute speed in English and Hindi Typing.
2. That the Director National Research Laboratory



(pt)

for Conservation of Cultural Property, Lucknow sent requisition to Employment Officer, Lucknow for suitable candidate to the vacant post of Typist on the Daily Wages basis. The Employment Officer, Lucknow supplied the list of suitable candidates to the Director in which the name of the applicant appeared at Serial No. 1.

3. That the Director National Research Laboratory for Conservation of Cultural Property, Lucknow appointed the applicant to the post of Typist cum clerk on daily wages basis after conducting examination on 27.6.1988. The applicant has joined the post on 28.6.1988 and he was allowed Rs 25/- per day towards his pay.
4. That the applicant has submitted his representation dated 31.10.1989 to the appointing authority for regularisation of his services in the post of Lower Division Clerk cum Typist but the same was remained undisposed.
5. That the applicant was compelled to approach this Hon'ble Tribunal through Original Application No. 19 of 1990 (L) (Ashok Kumar Vs. (1) Union of India through its Secretary in Ministry of Human Resource Development and Department of Culture, Shastri Bhawan, New Delhi; (2) Director, National Research Laboratory for Conservation of Cultural Property, Sector E/3, Aliganj Scheme, Lucknow). That on 30.1.1990 the Hon'ble Tribunal was pleased to direct the opposite parties that in the meantime the respondent will not make appointment on one post of Lower Division Clerk/ Typist till further orders of this Tribunal.



(AS)

... photostat copy of Hon'ble Tribunal's Order dated 30.1.1990 is Annexure 1 to this application.

7. That the applicant on 31.1.1990 moved an application enclosing the certified copy of Order dated 30.1.1990 passed by this Hon'ble Tribunal to the Director, National Research Laboratory for Conservation of Cultural Property, Lucknow and the copy was also sent to the Secretary Government of India, Department of Culture, Shastri Bhawan, New Delhi through Registered Post, ^{on} 3.2.1990.

The photostat copies of applicant's application dated 31.1.1990 sent Director and Secretary are Annexures 2 and 3 and postal receipts No. 1701 dated 31.1.1990 and postal receipt No. 4143 dated 3.2.1990 are placed at Annexure 4.

8. That the opposite parties have not carried out the directions issued to them by the Tribunal and they have removed the applicant from his services with effect from 25.1.1990 on the ground that his services were no longer required by the department.

The case came up for hearing on 22.3.1990 before this Hon'ble Tribunal and this Hon'ble Tribunal was further pleased to direct the opposite parties that in case the department hereinafter will the disposal of this application take a decision to appoint typist or clerk cum typist, the claim of the applicant shall be first considered and no appointment in place of the applicant shall take place without the direction of the Tribunal.

A photostat copy of Hon'ble Tribunal's order dated 22.3.1990 is Annexure 5 to this application.



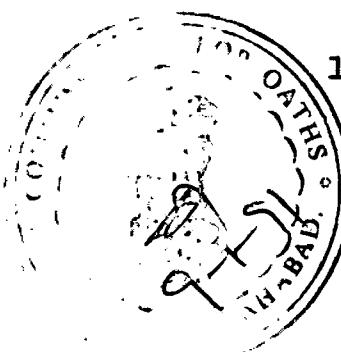
(AB)

9. That the applicant on 27.3.1990 moved another application enclosing the copy of order dated 22.3.1990 passed by the Hon'ble Tribunal to the Director, National Research Laboratory for conservation of Cultural Property, Lucknow through Registered Post/Acknowledgement due and the copy of the application was also sent to The secretary Government of India, Department of Culture, New Delhi under Postal Certificate.

The photostat copy of application dated 27.3.1990 is Annexure 6 and postal receipt No. C396 dated 27.3.1990 and acknowledgement duly received by opposite party No. 1 on 28.3.1990 is Annexure 7 and 'Under Postal Certificate' dated 27.3.1990 is Annexure 8 to this Application.

10. That the opposite parties have not carried out the directions issued to them by this Hon'ble Tribunal. The opposite party No. 2 has appointed Sri Joseph Kutty. K. as Lower Division Clerk vide his order No. F.2-8/86-NRLC dated 2nd April 1990 in violation of this Hon'ble Tribunal's aforesaid orders.

After 10.4.1990
A photostat copy of appointment order of Sri Joseph Kutty. K. as Lower Division Clerk (against the vacancy of applicant) in the pay scale of Rs 850 - 1500 with effect from 16th March 1990 (F.E.) is Annexure 9 to this application.

11. 
That on 10.4.1990 the applicant wrote a letter to Sri I.K. Bhatnagar, Project Officer, the then Acting as Director National Research Laboratory for conservation of cultural property, Lucknow drawing his attention to the Hon'ble Court's order dated 30.1.1990 and 22.3.1990 and requested him

(42)

for compliance, failing which the applicant shall be compelled to file a contempt petition against him but the letter remained unanswered.

The photostat copy of application dated 10.4.1990 is Annexure 10 to this application.

12. That feeling tired the applicant on 16.11.1990 wrote letter to Dr. Nair, the present Director and copy was also sent to Sri I.K. Bhattacharya, Project Officer drawing their attention to the Hon'ble Tribunal's order dated 30.1.1990 and order dated 22.3.1990 and requested them for compliance, failing which the applicant shall be compelled to file a contempt petition against them.

The photostat copies of Hon'ble Tribunal's order dated 30.1.1990 and order dated 22.3.1990 passed in Original Application No. 19 of 1990 (L) were also enclosed but the opposite party have also disregarded the same.

A photostat copy of application dated 16.11.1990 is Annexure 11 to this application.

13. That the opposite parties have had full knowledge of the Hon'ble Tribunal's Order dated 30.1.1990 and order dated 22.3.1990 passed in O.A. No. 19 of 1990 (L) but they have intentionally, deliberately and persistently disobeyed the said orders. The disobedience is wilful and they are guilty of gross contempt and liable to be punished.

(43)

P R A Y E R

The applicant prays that the Hon'ble Tribunal be pleased to ...

i) Punish the opposite parties Sarvesh Nair

and I.K. Bhammer for having committed contempt of this Hon'ble Tribunal's orders dated 30.1.1990 and order dated 22.3.1990.

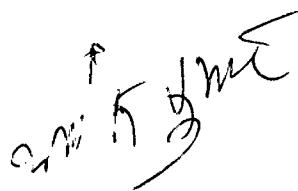
ii) Direct the opposite parties to pay the applicant's cost of this petition.

The applicant shall ever pray for this act of kindness.

Lucknow :

Dated : 9.1.1991


(P.S. Mehra)
Advocate
Counsel for the Applicant



7/10
FOR THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD
CIRCUIT BENCH AT LUCKNOW
S.O. TYPING POSITION NO. OF 1991 (L)
ASHOK KUMAR Versus Sri M.V. Nair and another
ANNEXURE - 1

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH LUCKNOW

O.A. NO. 19 of 1990 (L)

Ashok Kumar

.....

Applicant.

Versus

Union of India & Ors

.....

Respondents.

30.1.1990

Hon'ble Justice K. Nath, V.C.

Hon'ble Mr. K.W. Ramas, A.M.

Heard the learned counsel for the parties. The applicant files a supplementary affidavit along with an Annexure. The respondents may file a counter affidavit to the entire case within three weeks. Rejoinder affidavit, if any, may be filed within one week thereafter.

List this case for admission / hearing on 28.2.1990.

In the meantime the respondents will not make appointment on one post of LDC/Typist till further orders of this Tribunal, although they may proceed with and conclude the selection process.

Sd/-

Sd/-

A.M.

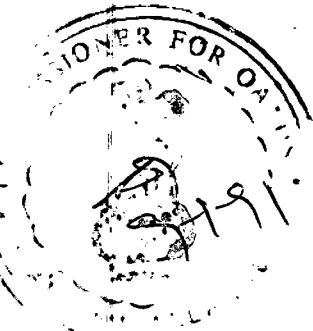
V.C.

22/1/90

22/1/90

11 True Copy 11

Deputy Registrar



8
BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD
CIRCUIT BENCH AT LUCKNOW
CONTempt PETITION NO. OF 1991 (L)
ASHOK KUMAR Versus Sri M.V. Nair and another
ANNEXURE - 2

To

The Director
National Research Laboratory
for Conservation of Cultural Property
Sector No. 3, Aliganj Scheme,
Lucknow - 226000

Subject : Original Application No. 19 (L)
of 1990 (Ashok Kumar Vs. Union
of India and others)

.....

Sir,

The Hon'ble Central Administrative Tribunal
Circuit Bench, Lucknow has been pleased to pass
an order on 30.1.1990 in presence of your learned
Counsel.

I am filing a photostat copy of the
certified copy of order dated 30.1.1990 as a
precautionary measure. Kindly acknowledge the
receipt of the same.

Yours faithfully,

Lucknow,

Dated : 31.1.1990

Enclosed : A photostat copy
of the Order
dated 30.1.1990.

Ashok Kumar (W.T. No. 200, etc.)
S/o Sri Munna Lal
Care Sri Prem Chand
Saini, 60/136, Jauhar
Ki Garhia, Busalganj
Lucknow.



(AN) 9

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH LUCKNOW

O.A. NO. 19 of 1990 (L)

Ashok Kumar

.....

Applicant.

Versus

Union of India & Ors

.....

Respondents.

30.1.1990

Hon'ble Justice K. Nath, V.C.

Hon'ble Mr. K.D. Ramon, A.M.

Heard the learned counsel for the parties. The applicant files a supplementary affidavit along with an Annexure. The respondents may file a counter affidavit to the entire case within three weeks. Rejoinder affidavit, if any, may be filed within one week thereafter.

List this case for admission / hearing on 28.2.1990.

In the meantime the respondents will not make appointment on one post of LDC/Typist, till further orders of this Tribunal, although they may proceed with and conclude the selection process.

Sd/-

Sd/-

A.M.

V.C.

// True Copy //

11/1/90

g

(AP2) 10

ORDER OF THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD
CIRCUIT BENCH AT LUCKNOW
CONT'MP'T PETITION NO. OF 1990 (L)
ASHOK KUMAR Versus Sri M.V. Nair and another
ANNEXURE - 3

PO

The National Research Laboratory for
Conservation of Cultural Property,
Sector 8/3, Chandigarh
LUCKNOW - 226 026.

Subject: Original Application No. 19 (L)
of 1990 (Ashok Kumar) vs. Union
of India and Others

Sir,

The Hon'ble Central Administrative Tribunal
Circuit Bench, Lucknow has been pleased to pass an
order on 30.1.1990 in presence of your learned
counsel.

I am filing a photostat copy of the
certified copy of order dated 30.1.1990 as a
precautionary measure. Kindly acknowledge the
receipt of the same.

Enclose A photostat copy
of the Order
dated 30.1.1990

Lucknow :

Dated : 31.1.1990

Yours faithfully,

Ashok Kumar
(ASHOK KUMAR)
S/o Sri Munna Lal
C/o Sri Prem Chand
Saini, 60/136, Jauhari
Ki Garahia, Husainganj,
Lucknow.

Mr. M. N. Nair
Copy by Registered post to the Secretary,
Government of India, Department of Culture, Shastry
Bhawan, New Delhi for together with a photostat copy
of the order dated 30.1.1990 for information.

Ashok Kumar
(ASHOK KUMAR)

B4FOR THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD
 CIRCUIT BENCH AT LUCKNOW
 CONTEMPT PETITION NO. OF 1991 (L)
 Ashok Kumar Versus Sri M.V. Wair and another
 ANNEXURE - 4

No. 1701

R. P. 51 re

Stamps affixed except in case of unregistered
 red letters of not more than the initial
 weight prescribed in the Post and Telegraph
 Guide on which no acknowledgment is due.

Received a V. P. Registered
 addressed to



Signature of Receiving Officer

Entered for Rs. (in figures)

(In words)

weights rates

see Rs.

P.

(In words) grams

R. P. 51 (a)

बीमा नहीं/NOT INSURED

लगाये गये टाल टिकटों का मूल्य रु. ५०
 Amount of stamp affixed Rs. 50/-

ऋग्राम/No.

एक राजस्थानी..... प्राप्त किया

Received a Registered

पाने वाले का नाम.....

Addressed to.....

N. Deelhi

443

10/10/1991

3.00

पाने वाले वादकारी के हस्तांश
Signature of Receiving Officer



Om Singh

12

BETWEEN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD
CIRCUIT BENCH AT LUCKNOW
CONTUMPT PETITION NO. OF 1991 (L)
ASHOK KUMAR Versus Sri M.V. Nair and another
ANNEXURE - 5

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH LUCKNOW

C.M. NO. 114 OF 1990 (L)

In

O.A. NO. 19 OF 1990 (L)

Ashok Kumar

.....

Applicant

Versus

Union of India & Others ,

.....

Respondents.

22.03.1990.

Hon'ble Mr. D.K. Agrawal, J.M.

Hon'ble Mr. K. Obayya, A.M.

Shri P.S. Mehara, for the applicant and Shri D. Chandra, for the opposite party No.2 are present. The op. No.1 is unrepresented before us. The applicant was appointed as typist by the Op. No. 2 by an order dated 28.06.1988. The applicant claimed that he was entitled to be regularised. His apprehension was that the Op. 2 was planning to recruit candidate from outside without considering the applicant for regularisation. Therefore, a order was passed by the Tribunal on 30.01.1990 that, the Op. will not make appointment on one post of L.D.C./Typist till further orders of the Tribunal. Shri D. Chandra, counsel for the Op. No.2 has stated before us that in accordance with the order of the Tribunal the department will keep one post of L.D.C/Typist unfiled. However, a subsequent development has taken place. The applicant has been removed w.e.f. 25.1.90 on the ground that his service were no longer required by the department. The apprehension of the applicant is that the department after dispensing service of the applicant may appoint another typist as substitute. Therefore, in order to protect the interest of the applicant, we have by order that in case the department, here in after, till the disposal of this application takes a decision to appoint typist or Clerk-cum-Typist, the claim of the applicant shall be first considered and no appointment in place of the applicant shall take place without the direction of the Tribunal.

Counter affidavit has already been filed. Let the rejoinder affidavit be filed within 2 weeks, hereof.

List it for hearing on 26.09.1990. The copy of this order shall be given to the counsel of the parties as desired.

The respondent No.2 is directed to make the payment to the applicant which is due to the applicant up to 25.01.1990, if not paid.

Chikky
28/3/1990

Sd/-
A.M.

//True Copy//

Deputy Registrar 23.3.1.
Central Administrative Tribunal
Lucknow Bench,
Lucknow

13

P.M.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD
CIRCUIT BENCH AT LUCKNOW
CONTEMPT PETITION NO. OF 1991 (L)
Ashok Kumar Versus SP1 M.V. Nair and another
ANNEXURE - 6

To

REGISTERED/A.D.

The Director
National Research Laboratory for
Conservation of Cultural Property
Sector 'E'-3, Aliganj Scheme
Lucknow - 226 020

Reference : Original Application No. 19 of 1990 (L)
Ashok Kumar Vs. Union of India and others.

Sir,

With due regard I beg to state that in presence of your learned Counsel the Hon'ble Tribunal has been pleased to pass the enclosed order on 22.3.1990. However, I am sending you a photostat copy of certified copy of order dated 22.3.1990 passed by Hon'ble Central Administrative Tribunal Circuit Bench, Lucknow for your information.

It is further requested that till now my applications dated 3.2.1990, 21.2.1990 and 8.3.1990 have not been disposed off and no payment has been made to me till today.

With regards,

Yours faithfully,

Ashok Kumar

(Ashok Kumar)

Lucknow : C/C Sri Prem Chand Saini
Dated : 27.3.1990 60/136, Jauhari Ki Grahia
Husaineanj, Lucknow.

Encl : Photostate copy of order dated 22.3.1990.

C.C. to : The Secretary
Government of India
Department of Culture
Sh. Sri Bhawan,
New Delhi.

Ashok Kumar

ASR FCP

9471

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD
CIRCUIT BENCH AT LUCKNOW
CONTROVERSY PETITION NO. OF 1991 (L)
Ashok Kumar Versus Sri M.V. Nair and another
ANNEXURE - 7

14 (AS)

VAREUSE SPI MVA
ANNEXURE P-7

Director

Mr. L. C. Bix

John

K
2939190
Washington, D. C.

Received a ^{Letter/Postcard/} Packet Parcel.	243
Addressed to <u>This Postbox</u>	
Sh. R. L. C. Sector 3 F/3, Aligang Teekhwa	
110026-020	
रीमे का भूल्य (रुपयों में)	
Insured for Rupees	
दिवरण की तारीख/Date of delivery.....	108
अनादेख को छाट दिया गया।	
Score out the matter not required.	
किन्तु कोई पस्तुजी के लिए	
Offer Insured Amount Rs.	
पाने प्राप्ति के हस्ताक्षर/Signature of addressee	28/3/96

पाने प्राप्ति के हस्ताक्षर/Signature of addressee

~~02/21/13
28/31.96~~

27/11/51



15
A/6

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD
CIRCUIT BENCH AT LUCKNOW
CONTEMPT PETITION NO. OF 1991 (L)
Ashok Kumar Versus Sri M.V. Nair and another
ANNEXURE - 8

UNDER POSTAL CERTIFICATE

To

The Secretary,
Government of India,
Department of Culture,
CH.I Section,
Shastri Bhawan,
NEW DELHI

From:

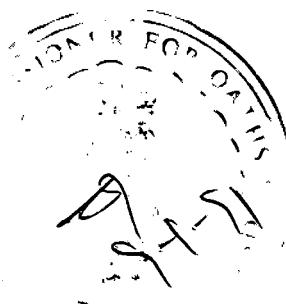
*D Env 8
27/3/90*
Ashok Kumar,
C/o Sri Prem Chand Saini,
60/136, Jauhari Ki Garahia,
Husseinganj, Lucknow



LKO.

Dated-27-3-1990.

Smith B.M.C.



16 (A7)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD
CIRCUIT BENCH AT LUCKNOW
CONTEMPT PETITION NO. OF 1991 (L)
Ashok Kumar Versus Sri M.V. Nair and another
A. N. EXUR E - 9

No. F-2-8/86-MIC
Government of India
Department of Culture
National Research Laboratory for
Conservation of Cultural Property
Sector E/2, Aliganj Scheme,
LUCKNOW.

2nd April, 1990.

OFFICE - ORDER

Shri Joseph Kutty.K. is hereby appointed as Lower Division Clerk in a temporary capacity in the National Research Laboratory for Conservation of Cultural Property, Lucknow, on an initial pay of Rs.950/- per month plus usual allowances as admissible under the rules in the pay scale of Rs.950-20-1150-EB-25-1500/- with effect from 15th March, 1990 (Forenoon) till further orders.

2-3-3 NC h/w/v
(I.K.BHATNAGAR)
Project Officer

Shri Joseph Kutty.K.
Lower Division Clerk,
N.R.L.C. Lucknow.

Apr. 3 1990

2-3-3 NC h/w/v
I.K.BHATNAGAR

17
४१८

BETWEEN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD
CIRCUIT BENCH AT LUCKNOW
CONTUMPT PETITION NO. OF 1991 (L)
Ishor Kumar Versus Sri M.V. Nair and another
ANNEXURE - 10

तेवा में,

श्री इन्द्र कुमार भट्टाचार्य,
निदेशल ब्राह्मीय तास्कूतिक,
संपदा संरक्षण, अनुसन्धान शाला,
सेक्टर-ई-३ अलीगंज लखनऊ।

रिक्षणः ओ०८० अपलीकेश्वरनं०-१९ आफ १९९०। अशोक कुमार बनाम भारत सरकार
आदि में माननीय केन्द्रीय प्रशासनिक अधिकरण द्वारा पारित आदेश दिनांक
३०-१-१९९० तथा दिनांक २२-३-१९९०।

महोदयः

विनम्र निवेदन है कि मैं अपने पूर्व प्रार्थनापत्र दिनांक ३१-१-९० तथा दिनांक
२७-३-९० द्वारा आप को माननीय केन्द्रीय प्रशासनिक अधिकरण द्वारा ओ०८०नं०१९ आफ
१९९० अशोक कुमार बनाम भारत सरकार आदि । मैं पारित आदेश की जानकारी
दें चूँगा हूँ । किन्तु माननीय न्यायालय के आदेशों के विपरीत आपने मेरे स्थान पर
अन्य व्यक्ति को नियुक्त कर दिया है । जोकि न्यायालय के आदेशों का स्पष्ट उल्लंघन
है । जबकि बिना अधिकरण से आदेश प्राप्त किये आप मेरे स्थान पर किसी अन्य
व्यक्ति को नियुक्त नहीं कर सकते हैं। इस तरह आप न्यायालय के आदेशों की
नियन्त्रण कर रहे हैं। यदि आपने मुझे तुरन्त काम पर नहीं लिया तो मुझे बाध्य होकर
न्यायालय की अवमानना की कार्यवाही करने को बाध्य होना पड़ेगा । आपके पुनः
विलोकन हेतु माननीय केन्द्रीय लोक तेवा अधिकरण द्वारा पारित दिनांक ३०-१-९०
तथा २२-३-९० की प्रतिलिपि इस प्रार्थनापत्र के साथ संलग्न कर रहा हूँ ।

अतः महोदय ते विनम्र निवेदन है कि प्रार्थी के स्थान पर नव नियुक्त
व्यक्ति को हटा कर प्रार्थी को पूर्ववत् कार्य करने की अनुमति प्रदान करे ।

दिनांक :- १०-४-९०

स्थान:- लखनऊ।

प्रार्थी-

अशोक कुमार

कै०/आफ०६०/१३६ दुसेनगंज
लखनऊ।

१०४

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD
 CIRCUIT BENCH AT LUCKNOW
 CONTEMPT PETITION NO. OF 1991 (L)
 Ashok Kumar Versus Sri M.V. Nair and another
ANNEXURE - 11

मेधा में

श्री शमोर्द्धीनाथ
 निदेशक राष्ट्रीय सांस्कृतिक,
 संपदा संरक्षण, अनुसंधान शाला,
 सेक्टर-ई-३ अलीगंज लखनऊ।

विषयः ओ०८०अप्लीकेशन नं०१९ आफ १९९०। इला अशोक कुमार बनाम भारत
 सरकार आदि में माननीय केन्द्रीय प्रशासनिक अधिकरण द्वारा पारित आदेश दिनांक
 ३०-१-९० तथा दिनांक २२-३-१९९०।

महोदय,

विनम्र निवेदन है कि प्रार्थी अपने पूर्व पथ ३१-१-९० तथा २७-३-९०
 तथा दिनांक १०-४-९० द्वारा महोदय के कार्यालय में पूर्व अधिकारी श्री भट्टाचार्य
 माहब औ अवगत करा द्युका हैं। कि माननीय केन्द्रीय प्रशासनिक अधिकरण द्वारा
 बलर्न आदेश दिनांक ३०-१-९० तथा २२-३-९० प्रार्थी द्वारा प्रस्तुत ओ०८०नं०-१९
 आफ १९९०। अशोक कुमार बनाम भारत सरकार आदि। में पारित किये हैं।
 किन्तु उक्त आदेशों के बावजूद आपके कार्यालय में प्रार्थी के स्थान पर श्री जोसेफ
 हुटी को दिनांक १५-३-९० से नियुक्त कर दिया गया है। जोकि माननीय न्यायालय
 के आदेशों की स्पष्ट अवमानना है।

अतः महोदय से विनम्र निवेदन है कि प्रार्थी को पूर्व की भाँति टैक - लिपिक
 के ग्र ग्र ग्राही ग्राही नी अनुमति प्रदान करें। अन्यथा प्रार्थी को ब्राह्म डौकर प्रहोदय
 के विशुद्ध न्यायालय की अवमानना को कार्यवाही करनी पड़ेगी।

दिनांक १६-१-९०

स्थानः लखनऊ।

प्रार्थी
 अशोक कुमार
 के०/आफ०८०/१३६ हॉस्ट गंगा
 लखनऊ।

प्रतिलिपि श्री इन्द्रेश कुमार भट्टाचार्य, परियोजना अधिकारी, राष्ट्रीय सांस्कृतिक संपदा
 संरक्षण, अनुसंधान शाला, सेक्टर-ई-३ अलीगंज लखनऊ, को संलग्न माननीय केन्द्रीय
 नोक सेवा अधिकरण द्वारा पारित आदेश दिनांक ३०-१-९० तथा २२-३-९० को पारित
 आदेश की प्रतिलिपि।

अशोक कुमार।

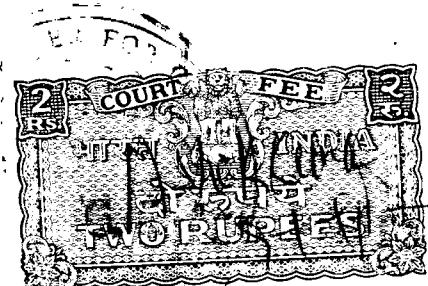


BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD
CIRCUIT BENCH AT LUCKNOW

CONTEMPT PETITION NO.

OF 1991 (L).

1990
AFFIDAVIT
84/1670
HIGH COURT
ALLAHABAD



Ashok Kumar

..... Applicant

Versus

Sri M.V. Nair and another Opposite Parties

AFFIDAVIT

I, Ashok Kumar, aged about 26 years, Son of Sri Munna Lal, resident of Care Sri Prem Chand Saini, resident of House No. 60/136, Jauhari Ki Garhia, near Masjid Nanhe Khan, Susainganj, Lucknow, do hereby solemnly affirm and state on oath as under :-

1. That the deponent is the applicant himself and as such he is fully conversant with the facts deposed hereunder.
2. That the deponent after passing Intermediate Examination was registered in the Employment Exchange, Lucknow having registration No. C/13644/87 dated 26.6.1987. The deponent is a bi-lingual typist having 35.2 and 42.4 words per minute speed in English and Hindi Typing.

That the Director National Research Laboratory for Conservation of Cultural Property, Lucknow sent requisition to Employment Officer, Lucknow for suitable candidate to the vacant post of Typist on the Daily Wages basis. The Employment Officer, Lucknow supplied the list of suitable candidates

to the Director in which the name of the deponent appeared at Serial No. 1.

4. That the Director National Research Laboratory for Conservation of Cultural Property, Lucknow appointed the deponent to the post of typist cum clerk on daily wages basis after conducting examination on 27.6.1988. The deponent has joined the post on 28.6.1988 and he was allowed Rs 25/- per day towards his pay.
5. That the deponent has submitted his representation dated 31.10.1989 to the appointing authority for regularisation of his services in the post of Lower Division Clerk cum Typist but the same was remained undisposed.
6. That the deponent was compelled to approach this Hon'ble Tribunal through Original Application No. 19 of 1990 (L) (Ashok Kumar Vs. (1) Union of India through its Secretary in Ministry of Human Resource Development and Department of Culture, Shastri Bhawan, New Delhi, (2) Director, National Research Laboratory for Conservation of Cultural Property Sector E/3, Aliganj Scheme, Lucknow.
7. That on 30.1.1990 the Hon'ble Tribunal was pleased to direct the opposite parties that in the meantime the respondent will not make appointment on one post of Lower Division Clerk/Typist till further orders of this Tribunal.

That the deponent on 31.1.1990 moved an application enclosing the certified copy of order dated 30.1.1990 passed by this Hon'ble Tribunal to the Director, National Research Laboratory for Conservation of Cultural Property, Lucknow and copy was

APZ

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also sent to the Secretary Government of India, Department of Culture, Shastri Bhawan, New Delhi through Registered Post on 3.2.1990.

9. That the opposite parties have not carried out the directions issued to them by the Tribunal and they have removed the deponent from his services with effect from 25.1.1990 on the ground that his services were no longer required by the department.

The case came up for hearing on 22.3.1990 before this Hon'ble Tribunal and this Hon'ble Tribunal was further pleased to direct the opposite parties that in case the department hereinafter till the disposal of this application take a decision to appoint typist or clerk cum typist, the claim of the deponent shall be first considered and so appointment in place of the deponent shall take place without the direction of the Tribunal.

10. That the deponent on 27.3.1990 moved another application enclosing the copy of order dated 22.3.1990 passed by the Hon'ble Tribunal to the Director, National Research Laboratory for Conservation of Cultural Property, Lucknow through Registered post/acknowledgement due and the copy of the application was also sent to the Secretary Government of India, Department of Culture, New Delhi under Postal Certificate.

11. That the opposite parties have not carried out the directions issued to them by this Hon'ble Tribunal. The ~~Opposite~~ Party No. 2 has appointed Sri Joseph Kutty. K. as Lower Division Clerk vide his order No. F.2-8/86-NRLC dated 2nd April 1990 in violation of this Hon'ble Tribunal's aforesaid orders.

12. That on 10.4.1990 the deponent wrote a letter to Sri I.K. Bhatnagar, Project Officer, the then Acting Director, National Research Laboratory for Conservation of Cultural Property, Lucknow, drawing his attention to the Hon'ble Court's order dated 30.1.1990 and 22.3.1990 and requested him for compliance, failing which the deponent shall be compelled to file a contempt petition against him but the letter remained unanswered.

13. That feeling tired the deponent on 16.11.1990 wrote letter to Dr. Nair, the present Director and copy was also sent to Sri I.K. Bhatnagar, Project Officer drawing their attention to the Hon'ble Tribunal's order dated 30.1.1990 and order dated 22.3.1990 and requested them for compliance, failing which the deponent shall be compelled to file a contempt petition against them.

14. That the opposite parties have had full knowledge of the Hon'ble Tribunal's order dated 30.1.1990 and order dated 22.3.1990 passed in C.A. No. 19 of 1990 (L) but they have intentionally, deliberately and persistently dis-obeyed the said orders. The dis-obedience is wilful and they are guilty of gross contempt and liable to be punished.



Lucknow :

Dated : 9.1.1991

15-35

30th Jan

Deponent

VERIFICATION

I, Ashok Kumar, the deponent, do hereby verify that the contents of paras 1 to 14 are true to my own knowledge. Nothing material has been concealed and no part of it is false. So help me God

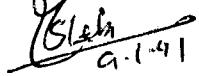
5-35.

Lucknow :

Dated : 9.1.1991

Subj. of
Deponent

I identify the deponent who has signed before me.


9.1.91
(P.S. Mehra)
Advocate

10.15 A.M. 9-1-91
Ashok Kumar
is identified by P.S. Mehra Adv. High Court -
I do solemnly swear by the name of the
Supreme that the contents of the statement
of this witness which has been read and
explained by the Pro. Counsel No. 1/1-50


C. P. MISRA
Advocate Oath Commissioner
Albhabod High Court,
Lucknow Bench Sittings,
No. 84/1070
Date 9-1-91

Recd from the Central Government of India
24
Circuit Court, at Lucknow
A.D. 1951

बदालत श्रीमान्

[वादी] अपीलान्ट

प्रतिवादी [रेस्पाइन्ट]

Attoh / Lawyer

वकालतनामा

Attoh / Lawyer

Advocate

टिकट

वादी (अपीलान्ट)

Mr. M. V. Narayana Rao - *Opposite Parties*

बनाम

प्रतिवादी (रेस्पाइन्ट)

वं० मुकद्दमा

सन्

पेशी की ताता

१९ ई०

झपर लिखे मुकद्दमा में अपनी ओर से श्री पी० एस० मेहरा एडवोकेट
श्रीमती वीना मेहरा एडवोकेट

२/२ एल० डी० ए० कालोनी बलाक १ हाता रसूल खां, स्टेशन रोड,
लखनऊ-२२६००१

वकील

— महोदय
एडवोकेट

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 जबाब देही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावे और रूपया बसूल फरें या सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और तसदीक करें मुकद्दमा उठावे या कोई रूपया जमा करें या हारी चिपकी (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 होगा मैं यह भी स्वीकार करता हूँ कि मैं हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूँगा अगर मुकद्दमा अदम पैरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जेमेदारी मेरे वकील पर नहीं होगी इसलिए यह वकालतनामा लिख दिया प्रमाण रहे और समय पर काम आवे।

महोदय
हस्ताक्षर

लाक्षी (गवाह) ————— साक्षी (गवाह) —————

दिनांक ७ महीना १ सन् १९५१ ई०

स्वीकृत

Accepted

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१. १. ५१

(P. S. M. ०४१)
Architect