

CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH LUCKNOW.

INDEX SHEETCAUSE TITLE C.A. 19 of 1990 (C)

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

Shri. K. K. K. Applicant.

Versus.

Union of India RespondentsPart A.B.C.

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S.O. 50

(147)

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD Bench

Registration C.A. No. 15/50(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 quashing 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-3). He made

(A8)

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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 order dated 22.3.90, keeping in view the interest of the applicant, the Respondents were directed as follows:

"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.

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 India's 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

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File

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 regularisation 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 regularisation 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 15.6.1988 addressed to the Employment Officer, Lucknow

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(111)

(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 wages.

10. The question, therefore, is whether the applicant 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 -3) 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 Surindre 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 wages 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 reassessed 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.

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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

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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 void 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 very <sup>nature &</sup> 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 <sup>daily &</sup> ~~daily~~ rated typist, cannot claim regularisation in the post of typist without going through the selection by Staff Selection Commission. His name was no doubt sponsored

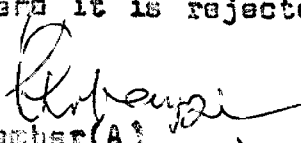


by the Employment Exchange, but Employment Exchange as observed by us earlier cannot be a substitute for Staff Selection Commission. The post of L.D.Cs/Typists is a Group 'C' post and falls within the purview of the Staff Selection Commission. As the applicant has not been selected, and his name has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

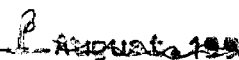
16. In these circumstances we do not consider that there is any justification for interfering with the process of selection set in motion by the respondents by notifying the vacancies to the Staff Selection Commission.

17. Regarding contempt petition, out of 2 posts only one post has been filled 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. Kuttu 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)

  
Vice-Chairman

  
3 Sep '91.  
August 1991.

(11)

CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH, LUDHIANA

Registration No. 19 of 1989

APPLICANT(S) Ashok Kumar

RESPONDENT(S) U.O.L.

Particulars to be examined

Endorsement as to result of examination

1. Is the appeal competent ?
2. a) Is the application in the prescribed form ?  
b) Is the application in paper book form ?  
c) Have six complete sets of the application been filed ?
3. a) Is the appeal in time ?  
b) If not, by how many days it is beyond time ?  
c) Has sufficient cause for not making the application in time, been filed ?
4. Has the document of authorisation/Vakalatnama been filed ?
5. Is the application accompanied by B.D./Postal Order for Rs.50/-
6. Has the certified copy/copies of the order(s) against which the application is made been filed ?
7. a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed ?  
b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ?  
c) Are the documents referred to in (a) above neatly typed in double space ?
8. Has the index of documents been filed and paging done properly ?
9. Have the chronological details of representation made and the outcome of such representation been indicated in the application ?
10. Is the matter raised in the application pending before any court of Law or any other Bench of Tribunal ?

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NO

(A2)

Particulars to be Examined

Enforcement as to result of examination

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

ys

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

ys

a) Identical with the Original ?

b) Defective ?

c) Wanting in Annexures

Ans. \_\_\_\_\_ ?

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

ys

4. At the given address the registered address ?

ys

5. Do the names of the parties stated in the copies tally with those indicated in the application ?

ys

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

NA

7. 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 ?

8. Have the particulars for interim order prayed for indicated with reasons ?

ys

9. Whether all the remedies have been exhausted.

ys

signed/

DA 19/90(5)

(13)

19.1.90

Hon J. P. Sharma, JM

Mr. T. S. Mehra to me

Applicant.

Shi D. Chandra Jethi

Respondents.

Let reply be filed in

four weeks by the respondents.

Per. <sup>30.1.90</sup> 19.2.84 for hearing

Orders on interim Relief

L

30.1.90

Hon. Justice K. Nalk, V.C.  
Hon. K. J. Raman, A.M.

ON

No reply filed.  
Submitted for order

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.

L  
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.

KJ  
A.M.

J.  
V.C.

OR - No further supplementary affidavit to reply has been filed  
SP. admission

in.

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27/2

22.1.1990

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

(14)

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.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 unfilled. However, subsequent development has taken place. The applicant has been removed w.e.f. 25.1.1990 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 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 first~~ly~~ considered and no appointment in place of the applicant shall take place without the direction of the Tribunal.

(18)  
JA. No 19/90 (L)

5/2/91

Hon. Mr. Justice K. Path, VC.  
Hon. Mr. K. Ojaya, AM.

Shri P. S. Melva for the applicant  
Dr. Dinesh Chandra for respondents.

Arguments of both the  
parties heard. Judgement  
reserved.

*[Signature]*  
AM

*[Signature]*  
VC.

*[Signature]*  
13/9/91

Recd  
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. \_\_\_\_\_

The Hon'ble Mr. \_\_\_\_\_

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 circutated to all other Benches ? ✓

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GHANSHYAM

*Signature*  
3/9/91

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

.... Applicant

Versus

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.

.... Respondents

APPLICATION UNDER SECTION 19 OF THE CENTRAL  
ADMINISTRATIVE TRIBUNAL'S ACT, 1985

DETAILS OF APPLICATION

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

(i) Order No. with - No. F.2-3/88-1110 dated  
reference to Annexure. 10.10.1988.

(ii) Dated - 10.10.1988

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

Noted for  
29/1/90  
10-1-90

23/1/90



(A/S)

Property, Sector H/8, Aliganj  
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, Govern-  
ment 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-stat copy of  
impugned letter dated 19.10.1989  
issued by Director National  
Research Laboratory for Conserv-  
tion of Cultural Property,  
Lucknow demanding particulars of  
suitable candidate for appointment  
of a Lower Division Clerk is  
Annexure 7, to this application.

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

24.11.1989

(16)

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, Aliganj Scheme, Lucknow, ~~Applicant~~ Respondent No. 2 through his letter No. Sector E/3 Aliganj 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 of letter dated 16.6.1988 sent by Director National Research Laboratory for Conservation of Cultural Property to the

(A17)

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 pay 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. P.2.2/84 - NMLC 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.

A photostat copy of Certificate dated 4.8.1989 issued by the Project Officer, National Research Laboratory

3/11/89 gmr

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 950 - 1500 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 regularized. 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 Employees

APR

Exchanges, 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 regularisation 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 ~~of~~ the Government issued certain guide-lines in the matter 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.

3/2/90

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

(R.2)

- (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/Deptts/  
Offices. 6 months

The respondent No. 2 in utter disregard 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. 49014/2/83-Tstt (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 :

RECOMMENDS

- 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

PPA

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 services.
- 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 debarred

*Amul Kumar*

A22

from recruitment in the Central Government's job.

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.

*Amal Kumar*



Before the Central Administrative Tribunal at  
Allahabad

Central Bench, Lucknow

C.A.No

of 1990 (L)

महोदय

ब अदालत श्रीमान्

[ वादी ] अपीलान्त

प्रतिवादी [ रेषाडेन्ट ]

Applicant

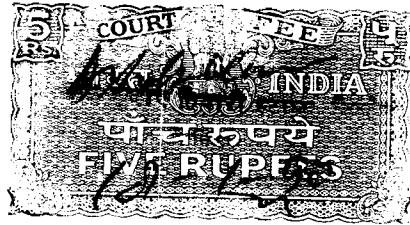
वकालतनामा

Arshad Mehera

Applicant

vs

टिकट



Union of India Creation

बनाम

प्रतिवादी (रेखाडेन्ट)

सं० मुकद्दमा C.A.No

सन्

पेशी की ता०

१९९० ई० १८

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री पी० एस० मेहरा एडवोकेट

श्रीमती वीना मेहरा एडवोकेट

२/२ एल० डी० ए० कालोबी ब्लाक I हाता रसूल खां, स्टेशन रोड,  
लखनऊ-२२६००१

वकील

— महोदय

एडवोकेट

नाम अदालत	नाम फरीकन
मुकद्दमा न०	

को अपना वकील नियुक्त करके प्रतिज्ञा ( इकरार ) करता हूं और लिखे देता हूं इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पेरवी व जबाब देही व प्रश्नोंत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावे और रुपया वसूल करें या मुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और तसदीक करें मुकद्दमा उठावे या कोई रुपया जमा करें या हारी विपक्षी (फरीकसानी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लेवे या पंच नियुक्त करें—वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगा मैं यह भी स्वीकार करता हूं कि मैं हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूँगा अगर मुकद्दमा अदम पेरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जेम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह वकालतनामा लिख दिया प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर

Arshad Mehera

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

महीना

सन् १९९० ई०

स्वीकृत

Accepted  
K. J. Khan

(21)

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

C.A. No. : OF 1990 (L)

Ashok Kumar ..... Applicant

Versus

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

-----  
ANNEXURE - V

No. F. 2-8/86-NRLC  
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

.....2

- 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 25 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-

(A28)

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*

*[Signature]*  
*18/1/90*

5000000

(74) (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

-----  
ANNEXURE - 2  
-----

No.F.2-2.91-NRLC  
Government of India  
Deptt. 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 E N.R.L.C. Lucknow.

\*\*\*

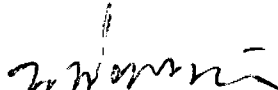
Sir,


It is to state that we are in urgent need of a  
typist on daily wages ~~who has experience~~ 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 Attested



  
18.1.90

एवस- ४२

अक्षयपुरी पुनः प्रकाशितम्

ସମ୍ପଦ ବିଭାଗ

-----११५५----- सेवायोजन कार्यालय

... 57/4-22-1 ...

संख्या ८८/१७२/१३-

दिनांक 27-6-2019 ।

आपके पत्र का मुझे S.S. 12.1.136/1095 Scheme दिनांक 7.6.86 को मद्रास में।

कोटाहूँ (हूँ) के साथ पत्तों की युग्मा के विषय में इस पत्र के साथ एक  
 भाग सम्बन्धी है जो कि (संलग्न) में भेजा जा रहा है कि वह आपके पास उपरोक्त  
 पत्रों के मुताबिक भेजा गया है। सुभाष कर्मा के पत्रात् साहित्य के कागज 6 तथा मद संख्या  
 2 एवं उनकी भुजा करने पर कागज को जोड़ने का कार्य करें।

31 JAN 1964

ॐ नमो भगवते वासुदेवाय  
 (3/1/2017)  
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True copy please!

18.1.90

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2010 410062/80 - 410062/80/1	2010	250	250	81	1.2.60
2010 410062/80 - 410062/80/1	2010	250	250	81	1.2.60

Employment Officer.

Signature of Employer.

1. All vacancies have not been filled.
2. Vacancies are still outstanding further applicants be submitted on dated - - - at hours - - -

PSUR - A. 1. 5000/00 - 13-3-2010

mm

पा. नं० 2-2/84 एन०आर०एल०सी०  
भारत सरकार, संस्कृति विभाग  
राष्ट्रीय संस्कृति सम्पदा संरक्षण अनुसंधानशाला  
भार-६७, एन०एल० नं० 21/9020

दिनांक: 28/6/88

पत्रांक 117/88 को इस प्रतिलिपि में लाया गया है।  
इस पत्रांक में 25-00 इतिहास पर  
लेखन कार्य जारी है। दिनांक 28/6/88 से अग्रिम आदेश तक  
रिपोर्ट प्रस्तुत है।

प्रतिपक्ष

दिनांक 28/6/88  
श्री राजा रामपुर  
ज्येष्ठ प्रशासक अधिकारी  
द्वारा

पंजीकृत नं० 117/88  
आ-  
नं० 117/88

महेश्वर

True copy of the  
file  
19.1.90

(9)

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 - 5  
-----

पत्र सं० एफ० 2-2/84 एन०आर०एल०सी०

भारत सरकार, संस्कृति विभाग

राष्ट्रीय संस्कृति सम्पदा संरक्षण अनुसंधानशाला

देवर-ई/3, अलीगढ़ जिला 226020

दिनांक: 23/6/88

सहायक निदेशिका

सहायक

विषय: टाईपिस्ट दैनिक के पत्रों पर काम:-

महोदय,

आपके पत्र सं० असी/187/88 दिनांक 27/6/88 के द्वारा भेजे गए

सम्बन्धी पत्रों में से निम्नलिखित का यथा दैनिक केतन के आधार पर कष्ट लिया

गया है।

§1§ श्री प्रदीप कुमार अवस्थी -रजि० सं०/9492/87

§2§ श्री अशोक कुमार -रजि० सं०/13644/87

आपके द्वारा प्रेषित तालिका की दूरी प्रति संलग्न है।

भाषीय

15/10/88

संतोष कदाचुर

कनिष्ठ प्रशासनिक अधिकारी

पत्र निदेश

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mmmm~

True copy attached

15/10/88  
10/1-90

(2) 1700

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 - 6



सत्यमेव जयते  
NRLC

Tel : (0522) 74485, 74957  
Grafton CONSERLAB

राष्ट्रीय संस्कृति संरक्षण अनुसंधान प्रयोगशाला

सेक्टर ई-3, अलीगंज योजना, लखनऊ-226 020

NATIONAL RESEARCH LABORATORY FOR  
CONSERVATION OF CULTURAL PROPERTY

Sector E/3, Alliganj Scheme Lucknow-226 020 (India)

दिनांक: 4-8-1989

प्रमाण-पत्र

प्रमाणित किया जाता है कि श्री अशोक कुमार पुत्र श्री  
गुन्ना लाल इस कार्यालय के प्रशासनिक अनुभाग में दिनांक: 28-6-88  
से दैनिक वेतन के आधार पर टैक्स लिपिक {हिन्दी, अंग्रेजी} रु०  
25/- {स्थायी पच्चीस मात्र} प्रतिदिन के आधार पर कार्यरत है।  
श्री अशोक कुमार दैनिक वेतन टैक्स का आचरण उत्तम है।

श्री अशोक कुमार  
दैनिक वेतन टैक्स लिपिक  
एन०आर०एल०सी०  
लखनऊ

*[Signature]*  
{तेज सिंह}  
परियोजना अधिकारी  
Project Officer

*[Signature]*

*[Signature]*  
10.1.90

ANNEXURE - 9

No.F. 2-8/86-NILC  
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

Two copies attached

File

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10/1/90

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 certifi-  
cate to the filling up of the post through permissible  
channels may please be sent.

Yours faithfully,

*Sd/-*  
( TEJ SINGH )  
Project Officer  
for Director

/A.K./

*Enclosed by A.K.*

*16/1/90*

*amlon mt*

(A41)

(23)

समक्ष केन्द्रीय लोक सेवा अधिकरण, इलाहाबाद

लखनऊ पीठ, लखनऊ

ओ.ए. नं० ----- वर्ष 1990 ई. एल. ई.

अशोक कुमार..... प्राधी

बनाम

भारत सरकार आदि ..... विपक्षीगण

अनुसलग्नक - 8

सेवा में,

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

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

महोदय,

सविनय निवेदन इस प्रकार है:-

1.- कि प्राधी 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 प्राधी की नियुक्ति सेवायोजन कार्यालय के माध्यम से महोदय के पत्रांक सं० -2-2/84, दिनांक 16-6-1988 के 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 प्राधी एवं एक अन्य अभ्यर्थी श्री प्रमोद कुमार अवस्थी को नियुक्ति किया किन्तु अन्तस्वोगत्वा श्री प्रमोद कुमार अवस्थी का अन्यत्र चयन हो जाने के कारण वह अपना पद छोड़कर अन्य जगह चला गया यहाँ पर यह भी उल्लेखनीय है कि श्री प्रमोद कुमार अवस्थी जिस स्थान पर कार्य कर रहे थे वह नितान्त अस्थाई थी किन्तु प्राधी की नियुक्ति जिस रिक्त पद के विरुद्ध की गयी है वह पूर्णतः स्थाई पद है एवं वह पद आज भी महोदय के अधीन रिक्त एवं स्वीकृत पद है ।

AN2

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

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

अतः महोदय से निवेदन है कि प्रार्थी को राष्ट्रीय सांस्कृतिक सम्पदा  
संरक्षण अनुसंधानशाला, सेक्टर ई/3, अलीगंज, योजना, लखनऊ में रिक्त अवर श्रेणी  
लिपिक के रिक्त पद जिस पर प्रार्थी दैनिक वेतन कर्मचारी के रूप में कार्यरत है।  
पर नियुक्ति कर प्रार्थी की सेवाओं का नियमितीकरण करने का कष्ट करें । आपकी  
महान् कृपा होगी ।

प्रार्थी आपका सदैव आभारी रहेगा ।

प्रार्थी,

दिनांक : 31-10-1989



। अशोक कुमार ।

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

True copy attested

16/11/89

20-1-90  
S. S. ...  
...



(25) (AUG)

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) Recruitment 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 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) The casual workers may be given one paid weekly off after six days of continuous work.
- (vii) The engagement to the casual workers may be restricted only to the days on which they are required to perform duty under the Government with a paid weekly off as mentioned at (vi) above. They will, however, in addition, be paid for a National Holiday, if it falls on a working day for the casual workers.

2/10/88

The Secy. to Govt.

15/6/88

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- (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 to the Minister 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 is to be furnished to this Department by the 10th October, 1988.

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.

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Each Head of Office should also nominate an officer who would be responsible for the supervision of each and every casual worker and the job for which he is being employed to determine whether the work is of casual 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/EIII/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.

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*True copy retained*  
*16-1-90*

O.A. NO.

OF 1990 (L)

Ashok Kumar

..... Applicant

Versus

Union of India and others

.... Opposite Parties

ANNEXURE - 10

2/12/89-LS III  
GOVERNMENT OF INDIA  
DEPARTMENT OF PERSONNEL & TRAINING

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

Dated, the 31.10.87

6 NOV 1987

The Director,  
Dept. of Culture,  
National Research Laboratory for  
Conservation of Cultural Heritage,  
Sector 8/2, Aligarh Scheme,  
LUCKNOW - 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, WITH REFERENCE TO THE ABOVE SUBJECT.

Reference: Your letter/telegram No. R 28/86-NALC dt. 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...

Lower Division - 28/10/87  
Clear

95-1500

at Mysore

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 dealt with herein during the next three months, a fresh NO OBJECTION 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

18.1.90

Yours faithfully,

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

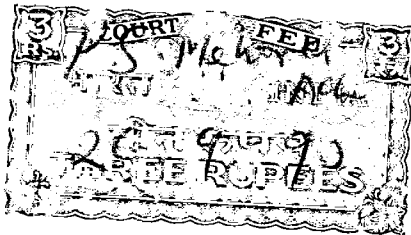
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Civil Disc. Appn. No.

of 1990

In re :

..... No. : 1 of 1990 (..)



As per, aged about 25 years, son of Sri. Shree Lal,  
resident of Bareilly, Chandra Sahi, House  
No. 60/136, Janakri, Barabha, near Masjid-e-Aam,  
Lucknow.

..... Applicant

Versus

1. Union of India through its secretary in Ministry  
of Human Resource Development and Department of  
Culture, New Delhi, India.
2. Director National Research Laboratory for conservation  
of Cultural Property, Sector-13, Dilip  
Sector, Lucknow.

..... Respondents

.....

The applicant most humbly and respectfully prays  
that for the facts and circumstances stated in the  
accompanying rejoinder affidavit, the Hon'ble Tribunal be  
pleased to condone the delay in filing the rejoinder  
affidavit.

The applicant has and ever pray for relief of  
the Court.

.....

..... 26.9.1990

26/9/90

26/9/90

.....

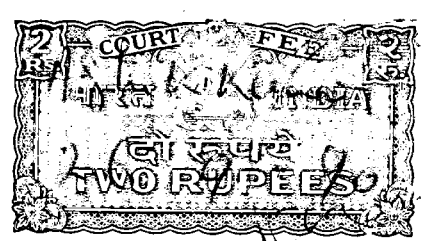
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STATE OF U.P.,

C.S. No. : 19 of 1990



1990  
AFFIDAVIT  
60  
HIGH COURT  
ALLAHABAD

Ashok Kumar

.... Applicant

Versus

Union of India and another

.... Respondent

DECLARATION

I, Ashok Kumar, aged about 25 years, son of Sri Kuma Lal, resident of Bare Bri Bari Chander Jaini, House No. 60/136, Jauhari Ali Sarabia, near Masjid Manhe 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.

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 deponent reiterates the averments, in para 4 of application. It is further stated that the Director of the National Laboratory for conservation of ancient monuments and

26/9/90

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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 wrong to say that the work of the deponent ceased with 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 regularisation under Industrial Disputes Act as such he is entitled for regularisation of his services. The post in which the deponent was appointed still exists. This Hon'ble Tribunal's Bench has held in the case of Asit Kumar Datta (s. Union of India and others (C.A. No. 187 of 1989) that a casual mazdoor rendered more than 370 days service is entitled for regularisation. 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 has illegally 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. That the contents of para 5 of the counter reply needs no reply.
6. That the contents of para 6 of the counter reply needs no reply.
7. That in answer to para 7 of the counter reply it is

Handwritten signature: R. K. Singh  
Date: 26/9/90

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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 8 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 regularisation on this fact also in the absence of a better method, the medium of employment exchange is to be preferred. This view has been expressed by Hyderabad Bench of this Hon'ble Tribunal in C.A. No. 13 of 1987 (P.L. Verma Vs. The Chief Engineer (P) Ray Dock).

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 photostat 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 order dated from Annexure 4 that the appointment order dated

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29.3.1990 was passed by the Director National Research Laboratory for conservation of cultural property, Sector 7/3, Lillanji chowk, Dehra Dun.

The respondent No. 2 has left the work of typing as well as the clerk. The requisition sent by the respondent No. 2 clearly states that the requisite qualification for the post of Lower Division Clerk is matriculation or equivalent qualification and minimum speed of 30 words per minute in English whereas the deponent possesses the requisite qualification and he is a bi-lingual typist having 35.2 and 42.4 words per minute in English and Hindi languages respectively which is more than required qualification. Thus, the deponent is entitled for regularization of his services. The appointment of the deponent 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 true fact is that the deponent 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 deponent was appointed against the vacant post of Lower Division Clerk/Typist which is still vacant and for the same post the respondent No. 2 has sent requisition letter dated 27.11.1989 (Annexure 3-1) to the staff selection committee, Allahabad without considering the deponent's representation dated 31.10.1989.

(A. K. Singh)

The respondent No. 2 has appointed one Sri Jyoti Prasad as Lower Division Clerk at an initial pay of Rs. 950 - 1500 vide order dated 27.11.1989.

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No. S.2-3/80- dated 2nd April, 1990.

photostat copy of appointment order of Sri Joseph Muttu M. issued on 2.4.1990 is Annexure 1-2 to this rejoinder affidavit.

The Hon'ble Tribunal was pleased to pass the following order on 30.1.1990 :-

"30.1.1990

Hon'ble Justice P. Math, V.C.

Hon'ble Mr. M. S. Sathyan, 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 an appointment on one post of M.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 Hon'ble Tribunal have directed the respondent not to make appointment on one post of M.C./typist till further order. If the respondent No. 2 has appointed Sri Joseph Muttu M. in violation of this Hon'ble Tribunal's order.

The applicant has moved another Civil Disc. Application No. 14 of 1990 (1) before this Hon'ble Court and the Hon'ble Tribunal on 22.3.1990 has ~~been~~ pleased to pass the following order :-

28/9/90

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"22.03.1990

on'ole Mr. A. A. Agrawal, J.

on'ole Mr. A. A. Agrawal, J.

Shri P.J. Mehta, 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 28.03.1988. 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.D.O./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.O./Typist unfilled. However,  
any 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 have ordered  
that in case the department, hereinafter called the  
disposal of this application takes a decision to  
appoint a 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.

For order affidavit and charges see page 4.

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31/2/90 3/11/90

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Let the rejoinder with affidavit be filed within 2 weeks hereof.

List is for hearing on 23.3.1990. 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.

sd/-  
.....

The respondent have not considered the deponent's case for appointment to the post of typist/Lower Divisional Clerk and the appointment order dated 2.4.1988 (Annexure 1-2) has been passed by the respondent no. 2 in utter disregard of this ~~order~~ <sup>of this</sup> Hon'ble Tribunal's aforesaid orders and as such respondent no. 2 is liable for contempt of this Hon'ble Tribunal's orders.

13. Let the contents of para 13 of the counter reply are wrong hence denied. The letter dated 7.6.1988 issued by Government of India is fully applicable in the present case. The deponent 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 deponent is entitled for regularisation of his services as he was retained by respondent no. 2 for a period more than 1 and half year. The deponent has been working regularly as a casual worker since 1988. In this regard the respondent no. 2 have appointed one Sri Joseph Jolly M. in spite of stay order passed by this Hon'ble Tribunal.

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26/9/90

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(AS)

Government of India issued Office Memorandum No. 3 (387/88 - 1.1.1. (1.1.1.)/A.I. dated 17th May 1989 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. N. Gargopal and others the provisions of the 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 17.5.1989 is Annexure A-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 bi-lingual typing work of the Establishment and Accounts Branch of the Administrative Section.

(Signature)  
26/9/90

31211/90

ASG

the office of Respondent No. 2. The deponent was the only typist in the Administrative Section in the office of Director National Research Laboratory for Conservation of Cultural Property, Aligarh, Lucknow.

14. That the contents of para 14 of the counter affidavit are wrong and denied. The grounds stated 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 deponent has proved 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 13.10.1989 (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. Thus, the impugned letter is in violation of mandatory provision of law specially 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

AKM  
26/9/90

3121007

AST

10.2.1990 the Deponent has 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 18 of the counter affidavit are wrong and denied. The Deponent is entitled for his relief and this Hon'ble Tribunal has rightly allowed the Deponent's application for interim relief. The respondent no. 2 malefide and willingly disobeyed the orders dated 30.1.1990 and 22.3.1990 of this Hon'ble Tribunal and the respondent no. 2 is guilty of contempt for which he is liable to be punished. The Deponent'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 Deponent and the delay in filing this rejoinder affidavit deserves to be condoned as otherwise the Deponent will suffer irreparable injury.

*Prabh*  
26/9/90

Deponent :

Dated : 26.9.1990

अशोक गुप्ता  
Deponent

456

- 11 -

I, the above named deponent do hereby verify that the contents of paras <sup>✓</sup> 1 to 12, 15 & 20 <sup>✓</sup> of this rejoinder affidavit are true to my personal knowledge and those of paras <sup>✓</sup> 13 and 14 <sup>✓</sup> are believed by me to be true on the basis of legal advice tendered to me. Nothing material has been concealed and no part of it is false. So help me God.

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

Deponent :

Date : 26.9.1990

312/10 अ. नं. 1  
Deponent

I identify the deponent who has signed before me.

P. S. Mehta  
26/9/90  
(P. S. Mehta)  
Advocate

P. S. Mehta  
26/9/90

P. S. Mehta  
26/9/90

C No 50/1168  
26-9-90

C No 50/1168  
Ordinary  
10-50-AM  
26-9-90  
Ashok Kumar  
P. S. Mehta  
Advocate



1. The first step in the process is to identify the problem. This involves gathering information about the situation and understanding the needs of the stakeholders involved.

..... I can't

..... Respondent

                     R-1.

U.P.C.

Fig 21

31/10/05

21.18

100-443887-100

Arbin  
26/9/91

အသံလေး နှစ်ပါး

Also

..... Applicant  
..... Respondent

2

No. 2-8/86-1911  
Government of India  
Department of Culture  
National Research Laboratory for  
Conservation of Cultural Property  
Sector E/3, All India Scheme,  
LUCKNOW.

2nd April, 1990.

OFFICE - ORDER

Shri Joseph Kutty.K. is hereby appointed as Lower Division  
Clark in a temporary capacity in the National Research Laboratory  
for Conservation of Cultural Property, Lucknow, at an  
initial pay of Rs.950/- per month plus usual allowances as  
admissible under the rules in the pay scale of Rs.950-22-1150  
Rs.25-1500/- with effect from 15th March, 1990 (Forenoon) 1990.  
Further orders.

26/9/90

2-3 344 hew  
(S. K. BHATTACHARYA)  
Joint Secy

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

31.2.1990

1.1.10. : 1.1.10.1999

Ashok Kumar

Versus

Union of India and another

.....Applicant

.....Respondent

- R-3 -

No. DGEET-3(38)/EG-EMI(DNW), F.F.I.  
Government of India/Bharat Sarkar  
Ministry of Labour/Ehren 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.

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.

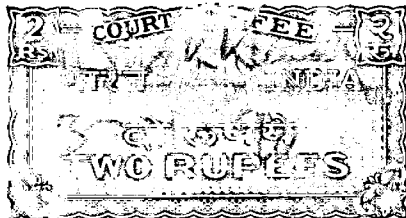
(RAI)

(16)

CIRCUIT COURT, LUCKNOW.

C.S. No.

: 19 OF 1990 (1)



Ashok Kumar

.... Applicant

Versus

Union of India and others

.... Opposite Parties

SUPPLEMENTARY AFFIDAVIT

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, Musainganj, Lucknow do hereby solemnly affirm and state on oath as under :-

- PT  
L  
30/1/90
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 in Lower Division Clerk, Group 'C' in the pay scale of Rs. 950 - 1500.
  3. That the Director, National Research Laboratory for Conservation of Cultural Property, Lucknow vide his letter dated 27.11.1989 forwarded a requisition for.
- .....2
- 30-1-90
- amf amu

(A63)

recruitment of one post of lower division clerk Group 'C' in the scale of pay of Rs 950 - 1500 for the ~~Regional~~ Director Staff Selection Commission, Department of Personnel and Administrative Records, (Ministry of Home Affairs), 8, Beli 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

*[Signature]*  
Deponent

30-19

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

*Amf m m*  
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 understands the contents of this supplementary affidavit which has been explained to him by me.

*30-1-90*

*P.S. Mehra*

*2/17/90*

*30-1-90*

(A65)

BEFORE THE CENTRAL ADMINISTRATIVE TRIB. NAT. 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-MRLC  
GOVERNMENT OF INDIA  
DEPARTMENT OF CULTURE

National Research Laboratory for  
Conservation of Cultural Property,  
Sector E/3, Aliganj 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, Jeli 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  
(SATISH KUMAR)  
Jr. Administrative Officer  
for Director.

30/10/89

37/11/89

ANNEXURE I

ABC

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

1. Name of Post : Lower Division Clerk.
2. Name of Office and Ministries/Deptt. 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 of vacancies likely to be filled for the period upto 28.2.1990 (including reservation position). : ONE

30-1-90  
mmmm

Signature :

Designation :

Office Seal :

Station : Lucknow.

Dated : 27.11.1989.



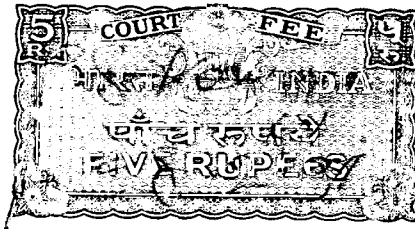
10

(A67)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD

CIRCUIT BENCH, LUCKNOW.

CM 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

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 Ganj 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

  
(F.S. Mehra)  
Advocate

Counsel for the Applicant

(AEO)

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

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

1989  
AFFIDAVIT  
24/1/89  
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.

....2

REC-9

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

*[Signature]*  
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

*[Signature]*  
Deponent

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

*[Signature]*  
(P.S. Mehra)  
Advocate

Solemnly affirmed before me on 28-2-90 at 11.35 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]*  
OATH COMMISSIONER  
High Court, Allahabad  
Lucknow Bench

28.2.90

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 N E X U R E - 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,

Lucknow :

Dated : 3.2.1990

*Ashok Kumar*  
(Ashok Kumar)  
LMT, N.R.L.C., Lucknow.  
C/O Sri Prem Chand Saini  
60/136, Jauhari Ki Barhia  
Near Nanhe Khan Masjid,  
Husainganj, Lucknow.

बीमा नहीं/NOT INSURED

रपाये गये डाक टिकटों का मूल्य रु० १०  
Amount of stamps affixed Rs P.

क. रजिस्ट्री\* 5/60 प्राप्त किया

Received a Registered\* the Director

माने वाले का नाम

Addressed to N.R. Lab

*Dr. 26*

Signature of Receiver of Office

File No

4251

दिनांक २६.२.९०  
Date 26.2.90



(174)

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 N E X U R E - 5 - 3

Respondent

To

① Dated : 21.2.1990.

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.

-----

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.L.C., Lucknow.  
C/O Sri Prem Chand Saini  
60/136, Jauhari Ki Garahia  
Near Nanhe Khan Masjid,  
Husainganj, Lucknow.

C.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

A N N E X U R E

आर० पी०-51 (क) R. P.-51 (a) सं /No. 0122

संगीष्ट गैड डाक टिकटों का मूल्य रु० 6-12-0 P

Stamps affixed Rs. प्राप्त किया Date stamp

पंजीकृत मूल्यस्थ Received d. V. P. registered

पाने वाले का नाम Addressed to

\*इसमें पूरे जगत् आवश्यक हो, "बीमाकृत" शब्द के साथ यहाँ "पत्र", "पार्सल" अथवा "रेलवे रसीद" लिखें।

\*Write here "Letter", "Parcel" or "Railway Receipt" with the word "Insured" before it when necessary.

प्राप्तकर्ता से वापस रकम वसूल करनी है रु० 300 P

Amount to be recovered from the addressee

प्राप्तकर्ता अधिकारी के हस्ताक्षर / Signature of the receiving officer

\*केवल जब डाक वस्तु का बीमा करना हो उसी समय भरा जाय; अन्यथा दा 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.

रु० (अंकों में) (शब्दों में) के लिए बीमाकृत

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

बीमा शुल्क रु० 00-00-00 P वजन (शब्दों में) ग्राम

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

आर० पी०-51 (क) R. P.-51 (a) सं /No. 0121

संगीष्ट गैड डाक टिकटों का मूल्य रु० 6-12-0 P

Stamps affixed Rs. प्राप्त किया Date stamp

पंजीकृत मूल्यस्थ Received d. V. P. registered

पाने वाले का नाम Addressed to

\*इसमें पूरे जगत् आवश्यक हो, "बीमाकृत" शब्द के साथ यहाँ "पत्र", "पार्सल" अथवा "रेलवे रसीद" लिखें।

\*Write here "Letter", "Parcel" or "Railway Receipt" with the word "Insured" before it when necessary.

प्राप्तकर्ता से वापस रकम वसूल करनी है रु० 00-00-00 P

Amount to be recovered from the addressee

प्राप्तकर्ता अधिकारी के हस्ताक्षर / Signature of the receiving officer

\*केवल जब डाक वस्तु का बीमा करना हो उसी समय भरा जाय; अन्यथा दा 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.

रु० (अंकों में) (शब्दों में) के लिए बीमाकृत

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

बीमा शुल्क रु० 00-00-00 P वजन (शब्दों में) ग्राम

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

(c)

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

.....

## Versus

• • • • •

### Respondents.

30.1.1990

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.

56/-

V.C.

// True Copy //

RM/

(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.

SC/-

SA/-

A.M.

V.C.

*Chandra*  
*3.1.1990*

// True Copy //

RM/

*100-211180*

*100-211180*

*100-211180*

*100-211180*



ATLT 1988(2) Ch 3 =

Hyd

Emp. Sec. with Best Channel  
"245 412 H"

- This is a ... ..
- ... ..
- ... ..

when D.P. is ... ..  
... ..  
... ..

- Daily wages ... ..

- ... ..  
... ..

(ell)

3-7-73 Emergency Res. Clerk - post of Emergency Res. Clerk

31-7-01 Principles of ~~the~~ R.E. - 922-640  
- selection post (vidu) no 6 (f1)

25-7-04 Principles of ~~the~~ R.E. - 955-700

4-7-06 Emergency Res. Clerk - Apr 20-06 - Prin 14-07-01  
in court order - Another Same at no 19 - Prin 23-7-78

18-9-06 - Dependent after termination

31-7-88 - Apr 20-06 - 2 -  
21-12-90 - Apr 20-06

{  
Interim: Apr 30-1-90 = keep in post until...  
Release: Apr 22-3-90 = Apr 20-06 removed of R.E. done from the  
office, by still further in the court order  
no effect shall be made within the court order  
Prin 23-7-78  
}

Not to be used

But R2 officer on J. Kelly H. not 15-3-90 by order of 2-4-90  
the R2

On this Court order Appellate 10/1/91 was filed  
9-1-91 Am 2 LCA: Appellate  
at 31-1-90 Commence  
at 27-3-90 at 22-3-90

1989 (1) ATLT 22 Halli Gonda  
SC moving in order R.E.  
At 240 days until the 1st of April - (Change of order)

(103) ATLT 35 At 240 days

1. 20/10/88) sent to Prof. Remy, Dept of Economic & Administrative Sciences, to sponsor & coordinate research for LPS of LPS from the European Parliament - to find a way to replicate the results of applications.

on a registration card to EEC. LPS, name of institution along with the statement for the Port of LPS as daily wages.

2. Application of LPS as daily wages of B 23/-

3. Application of LPS as daily wages of B 23/-

4. Application of LPS as daily wages of B 23/-

5. Application of LPS as daily wages of B 23/-

6. Application of LPS as daily wages of B 23/-

7. Application of LPS as daily wages of B 23/-

8. Application of LPS as daily wages of B 23/-

9. Application of LPS as daily wages of B 23/-

10. Application of LPS as daily wages of B 23/-

11. Application of LPS as daily wages of B 23/-

12. Application of LPS as daily wages of B 23/-

13. Application of LPS as daily wages of B 23/-

14. Application of LPS as daily wages of B 23/-



CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH LUCKNOW .INDEX SHEETCAUSE TITLE Contempt - 1 of 1991 (U)  
u. 19 of 90 (U)

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

Shri. Kumar Applicant.

Versus.

Shri. M. V. Nair Respondents.Part A.B.C.

Sl No.	Description of documents	Page
1	Order Sheet	A1
2	Transcript in C.A. 19 of 90 (U)	A3-AG
3	Contempt Petition	A2 - A8
4	Memorandum	A9 - 1719
5	Affidavit	A20 - A24
6	Index	A25 -
7	Index - Copy	B1 - B24

--- Tent B/C recorded and not signed

S0(5)

ORDER SHEET

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

1/91

Contemp No. 1 OF 1991  
Ashon Kr Vs. S. M. V. Nair

Sl.No.	Date	Office Report	Orders
28/91		<p>No sitting Adj to</p> <p>OK</p> <p>He for the Affiant has filed Contempt An. No 1/91(L) against the <del>judgment</del> dt 30-1-91</p> <p>S. F O.</p> <p>4/2/91</p>	<p>5-2-91</p> <p>L</p>
5/2/91		<p>Hon. Mr. Justice K. Datta, VC Hon Mr. K. Obayya, Jm.</p> <p>Arguments in O.A. No. 19/90 (L) heard. Orders will be passed alongwith the judgement in the Original Application.</p> <p>A.M.</p>	<p>VC.</p>

(A2)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD

CIRCUIT BENCH AT LUCKNOW.

CONTEMPT PETITION NO.

OF 1991 (2)

Lishok Kumar

<sup>In</sup>  
O.A. 19/90 (L), ..... Applicant  
Versus

Sri M.V. Nair and another

..... Opposite Parties

I N D E X

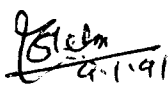
Sl. No.	Particulars	Page No.
1.	Application for Contempt	1 to 6
2.	Photostat copy of Hon'ble Tribunal's order dated 30.1.1990. <u>ANNEXURE 1</u>	7
3.	Photostat copy of applicant's application dated 31.1.1990 to Director <u>ANNEXURE 2</u>	8 - 9
4.	Photostat copy of applicant's application dated 31.1.90 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. 0336 and acknowledgement, duly received by C.P. No. 1. <u>ANNEXURE 7</u>	14
9.	Photostat copy of Under Postal Certificate 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

(12)

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)  
Advocate  
Counsel for the Applicant



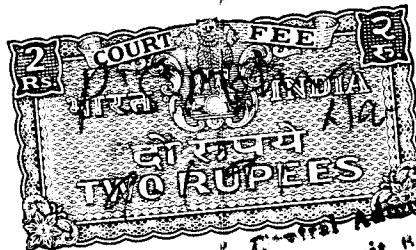
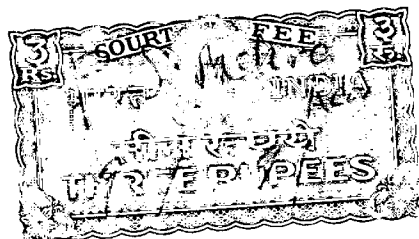
(A.B.)

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

CONTEMPT PETITION NO.

1

OF 1981 (L)



Central Administrative Tribunal  
Circuit Bench, Lucknow  
Date of Filing 9/11/91  
Date of Receipt by Post.....

Ashok Kumar, aged about 26 years, Son of  
Munna Lal, resident of Care Sri Prem Chand Saini  
House No. 60/136, Jauhari Ki Garahia, near Masjid  
Nashe Khan, Husainganj, Lucknow.

..... Applicant

Versus

1. Sri M.V. Nair, Director, National Research Laboratory for Conservation of cultural property, Sector E-3, Aliganj Scheme, Lucknow.
2. Dr. I.K. Bhatnagar, Project Officer, National Research Laboratory for Conservation of Cultural Property, Sector E-3, Aliganj 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 2366.1987. The applicant is a bi-lingual typist having 35.2 and 42.4 words per minute speed in English and Hindi Typing.
2. That the Director National Research Laboratory



(All)

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 (1) (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 mere 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.

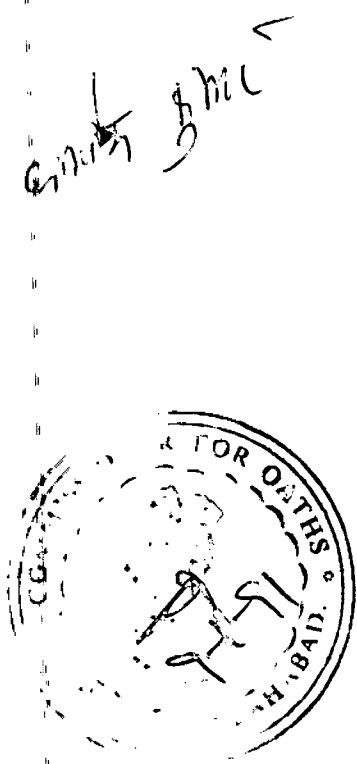
7. That the applicant on 31.1.1990 moved an application enclosing the certified copy of Order dated 30.1.1990 passed by this Hon'ble Tribunal to the Director, National Research Laboratory for Conservation of Cultural Property, Lucknow and the copy was also sent to the Secretary Government of India, Department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



(16)

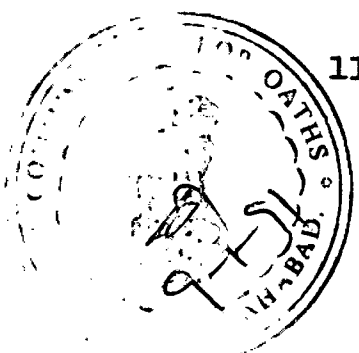
9. That the applicant on 27.3.1990 moved another application enclosing the copy of order dated 22.3.1990 passed by the Hon'ble Tribunal to the Director, National Research Laboratory for conservation of Cultural Property, Lucknow through Registered Post/Acknowledgement due and the copy of the application 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.

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.F.) 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



*applied for*

(42)

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

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 Hair, 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.

#### P R A Y E R

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

- 1) Punish the opposite parties Sarvesh Hair

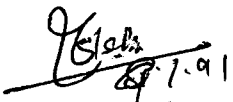
and I.K. Bhattacharjee for having committed contempt of this Hon'ble Tribunal's orders dated 30.1.1990 and order dated 22.3.1990.

- 15) 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 : 3.1.1991

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

*Handwritten note:*  
↑  
22.1.91

7/87

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 N E X U R E - 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. 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/-

A.M.

Sd/-

V.C.

// True Copy //

Deputy Registrar



8  
(Alo)

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 E-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.

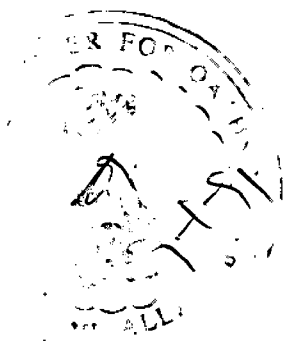
Yours faithfully,

*Ashok Kumar*  
Lucknow :

Date : 31.1.1990

Encl : A photostat copy  
of the Order  
dated 30.1.1990.

*Ashok Kumar*  
(Ashok Kumar D.W.T., 226000)  
S/O Sri Munna Lal  
Care Sri Preme Chand  
Saini, 60/136, Jauhari  
K1 Garahia, Hussainganj,  
Lucknow.





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

2-1-90  
2-1-90  
2-1-90

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD  
CIRCUIT BENCH AT LUCKNOW  
CONTEMPT PETITION NO. 19 OF 1990 (L)  
Ashok Kumar Versus Sri M.V. Nair and another  
ANNEXURE - 3

TO

The Director,  
National Research Laboratory for  
Conservation of Cultural Property,  
Lucknow-226 020.

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 Preme Chand  
Saini, 60/136, Jauhari  
Ki Garahia, Husainganj,  
Lucknow.

Copy by Registered post the Secretary,  
Government of India, Department of Culture, Shastri  
Bhawan, New Delhi for together with a photostat copy  
of the order dated 30.1.1990 for information.

*Ashok Kumar*  
( ASHOK KUMAR )

*Dr. N. C. Sinha*

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

No. 1701

R. P. 51 (a)

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

Received a V. P. Registered

addressed to

Signature of Receiving Officer

Insured for Rs. (in figures)

(in words)

fee Rs.

P.

(in words)

grams

R. P. 51 (a)

बीमा नहीं/NOT INSURED

लगाये गये डाक टिकटों का मूल्य रु० प०  
Amount of stamps affixed Rs. 5/60 P.

क्रमांक/No.

एक रजिस्ट्री प्राप्त किया

Received a Registered

पाने वाले का नाम

Addressed to

N. D. D. L. L.

4143

पाने वाले अधिकारी के हस्ताक्षर  
Signature of Receiving Officer

अमिताभ कुमार



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 - 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, an 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 unfilled. However, no subsequent development has taken place. The applicant has been removed w.e.f. 25.1.90 on the ground that his service was 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 Lucknow, 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.

checked  
3/2/90  
23/3/90

Sd/-  
A.M.

//True Copy//

Sd/- Deputy Registrar 23.3.90  
Central Administrative Tribunal  
Lucknow Bench,  
Lucknow

13

(14)

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 - 6

To

REGISTERED/A.D.

The Director  
National Research Laboratory for  
Conservation of Cultural Property  
Sector 'B'-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,

*(Signature)*

(Ashok Kumar)

Lucknow :

C/C Sri Prem Chand Saini  
60/136, Jauhari Ki Garahia  
Husainganj, Lucknow.

Dated : 27.3.1990

Encl : Photostate copy of order dated 22.3.1990.

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

(Ashok Kumar)

RECEIVED  
14-4-91

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 - 7

6-14  
Director  
N. R. L. C. Sector  
Lucknow  
27/5/90

ACKNOWLEDGEMENT

Received by Letter/Postcard/Packet/Parcel  
to the addressee  
Addressed to (name) N. R. L. C. Sector E/3, Aligarh Lucknow  
Insured for Rupees  
Date of delivery 1991  
Signature of addressee



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

Ashok Kumar,  
C/o Sri Prem Chand Saini,  
60/136, Jauhari Ki Garahia,  
Husainganj, Lucknow



LKO.

Dated-27-3-1990.

*with 2 nil*



16 (A17)

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 5 X U R - 9

No. J.2-8/86-ERLC  
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.

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

3-3-90  
(I.K. BHATNAGAR)  
Project Officer

apd gmt

9-1-91



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 N E X U R E - 10

मेवा में,

श्री इन्दु कुमार भटनागर,  
निदेशक प्रादेशीय सांस्कृतिक,  
संपदा संरक्षण, अनुसन्धान शाला,  
सेक्टर-ई-3 अलीगंज लखनऊ।

विषय: ओओएओ अपलीकेशन नं०-19 आफ 1990। एल। अशोक कुमार बनाम भारत सरकार  
आदि में माननीय केन्द्रीय प्रशासनिक अधिकरण द्वारा पारित आदेश दिनांक  
30-1-1990 तथा दिनांक 22-3-1990।

महोदय,

विनम्र निवेदन है कि मैं अपने पूर्व प्रार्थनापत्र दिनांक 31-1-90 तथा दिनांक  
27-3-90 द्वारा आप की माननीय केन्द्रीय प्रशासनिक अधिकरण द्वारा ओओएओ नं० 19 आफ  
1990। अशोक कुमार बनाम भारत सरकार आदि ॥ मैं पारित आदेश की जानकारी  
दे चुका 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 नियुक्ति नहीं कर सकते हैं। इस तरह आप न्यायालय के आदेशों की  
अवहेलना 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  
अवलोकन हेतु माननीय केन्द्रीय लोक सेवा अधिकरण द्वारा पारित दिनांक 31-1-90  
तथा 22-3-90 की प्रतिलिपि इस प्रार्थनापत्र के साथ संलग्न कर रहा हूँ।

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

दिनांक :- 10-4-90

स्थान :- लखनऊ।

प्रार्थी-

अशोक कुमार

कै०/आफ० 60/136 हुसैनगंज,  
लखनऊ।

9-1-91

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 समोवी०नायर  
निदेशक राष्ट्रीय सांस्कृतिक,  
संपदा संरक्षण, अनुसंधान शाला,  
सेक्टर-ई-३ अलीगंज लखनऊ।

विषय: ओ०ए०अपलीकेशन नं० 19 आफ 1990। एल। अशोक कुमार बनाम भारत सरकार आदि में माननीय केन्द्रीय प्रशासनिक अधिकरण द्वारा पारित आदेश दिनांक 30-1-90 तथा दिनांक 22-3-1990।

महोदय,

विनम्र निवेदन है कि प्रार्थी अपने पूर्व पथ 31-1-90 तथा 27-3-90 तथा दिनांक 10-4-90 द्वारा महोदय के कार्यालय में पूर्व अधिकारी श्री भटनागर माहक को अवगत करा चुका है। कि माननीय केन्द्रीय प्रशासनिक अधिकरण द्वारा संलग्न आदेश दिनांक 30-1-90 तथा 22-3-90 प्रार्थी द्वारा प्रस्तुत ओ०ए०नं०-19 आफ 1990। अशोक कुमार बनाम भारत सरकार आदि। में पारित किये है।

किन्तु उक्त आदेशों के बावजूद आपके कार्यालय में प्रार्थी के स्थान पर श्री जोसभ कुटी को दिनांक 15-3-90 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 भौति टैक -लिपिक के पद पर कार्य करने की अनुमति प्रदान करें। अन्यथा प्रार्थी को बाध्य होकर महोदय के विरुद्ध न्यायालय की अवमानना की कार्यवाही करनी पड़ेगी।

दिनांक 16-11-90

स्थान:- लखनऊ।

प्रार्थी -

अशोक कुमार।

के०/आफ० 60/136 हुसेन गंज  
लखनऊ।

प्रतिलिपि श्री इन्द्रकुमार भटनागर, परियोजना अधिकारी, राष्ट्रीय सांस्कृतिक संपदा संरक्षण, अनुसंधान शाला, सेक्टर-ई-३ अलीगंज लखनऊ, को संलग्न माननीय केन्द्रीय लोक सेवा अधिकरण द्वारा पारित आदेश दिनांक 30-1-90 तथा 22-3-90 को पारित आदेश की प्रतिलिपि।

अशोक कुमार।



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD  
CIRCUIT BENCH AT LUCKNOW  
CONTEST PETITION NO. CF 1981 (L).

1990  
AFFIDAVIT  
84/1670  
HIGH COURT  
ALLAHABAD



Ashok Kumar

..... Applicant

Versus

Sri M.V. Nair and another .....

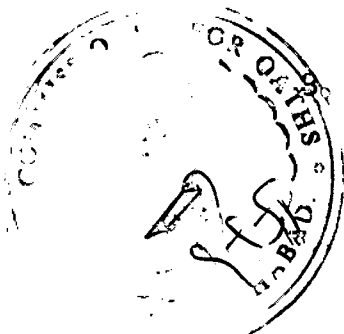
Opposite Parties

A F F I D A V I T

I, Ashok Kumar, aged about 26 years, Son of Sri Munra Lal, resident of Care Sri Prem Chand Saini, resident of House No. 60/136, Jauhari Ki Garahia, near Masjid Manhe 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



2/1/5/3/1

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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.

3m/7 5m



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 unattended.
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

G. S.

G. S. Nair

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

En-35.

Lucknow :

Dated : 9.1.1991

am m gnt  
deponent

I identify the deponent who has signed before me.

*[Signature]*  
(P.S. Mehra)  
Advocate

... 10:05 AM ... 9-1-91  
... Ashok Kumar  
... identified by ... P.S. Mehra Adv High Court -  
... date to that ...  
I do hereby declare by affirming the  
contents that be verifiable the contents  
of this document which has been read and  
explained by me P.S. Mehra Adv. 1/1-58

*[Signature]*  
C. P. MISRA  
Advocate Oath Commissioner  
Allahabad High Court,  
Lucknow Bench Lucknow,  
No. .... 24/1070  
Date. .... 9-1-91

Before the Central Administrative Tribunal at  
Circuit Bench, at Lucknow (24)  
A75

अदालत श्रीमान्

महोदय

[ वादी ] अपीलान्त

प्रतिवादी [ रेषाडेन्ट ]

श्री- Ashok Kumar - का

वकालतनामा

Ashok Kumar

Applicant

वस  
टिकट

वादी (अपीलान्त)

S. M. V. Nair vs. Another

Respondent

बनाम

प्रतिवादी (रेखाडेन्ट)

बं० मुकद्दमा

सन्

पेशी की ता०

१९ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री पी० एस० मेहरा एडवोकेट

श्रीमती विना मेहरा एडवोकेट

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

वकील

— महोदय

एडवोकेट

को अपना वकील नियुक्त करके प्रतिज्ञा ( इकरार ) करता हूं और लिखे देता हूं इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जबाब देही व प्रश्नोंत्तर करें या कोई कागज दाखिल करें या लौटावे या हमारी ओर से डिगरी जारी करावे और रुपया वसूल करें 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 रुपया जमा करें या हमारी विपक्षी (फरीकसानी) का दाखिल किया हुआ रुपया 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 हूं कि मैं हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूंगा अगर मुकद्दमा अदम पैरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जेम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह वकालतनामा लिख दिया प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

७

महीना

१

सन् १९५१ ई०

स्वीकृत

Accepted

9.1.51

( P. S. Mohar )

Acharya