

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH
AT HYDERABAD**

OA/020/01384/2013, OA/020/00867/2018 & OA/020/01119/2019

Date of CAV : 05.01.2021.

Date of Pronouncement : 22.01.2021.

**Hon'ble Mr.Ashish Kalia, Judl. Member
Hon'ble Mr. B.V. Sudhakar, Admn. Member**

OA No.1384/2013

N.Ramakrishna Rao, S/o Suryanarayana,
Age about 38 years, Telegraph Messenger, BSNL,
Customer Service Center, Tatipaka 533249,
Razole E.G.District ...Applicant

(By Advocate : Mr. Krishna Devan)

Vs.

1. Union of India, Rep., by the Secretary,
Dept. of Communications and I.T,
Information and Technology, Ashoka Road,
Govt. of India, New Delhi – 110001.
2. The Chairman and Managing Director,
BSNL, Corporate Office, Ashoka Road,
New Delhi – 110001.
3. The Chief General Manager, Telecom,
BSNL AP Circle, Nampally Road, Hyderabad.
4. The Superintendent of Post Offices,
Amalapuram Division, Amalapuram,
E.G. District., A.P.,
5. The General Manager, BSNL,
Rajamundry, E.G. District – 533101.
6. The Sub-Divisional Engineer, (BSNL),
Razole, E.G. District., A.P.,Respondents

(By Advocate : Mrs.K.Rajitha, Sr. CGSC & Mr.M.C. Jacob, SC for BSNL)

OA No.867/2018

T.Satyanarayana S/o Baganna,
Aged 51 years, working as Casual Labourer,
Customer Care Centre, BSNL Office,
Samarlakota, East Godavari District, A.P.,

Applicant

(By Advocate : Mr. Krishna Devan)

Vs.

1. The Secretary, Ministry of Telecom,
Information & Technology,
Govt. of India, New Delhi.
2. The Vice Chairman & Managing Director,
Corporate Office, BSNL, Barakamba Road, New Delhi.
3. The Chief General Manager,
BSNL, A.P.Circle, Hyderabad,
(Presently at Vijayawada)
4. The General Manager, Telecom, BSNL,
Rajamundry, E.G.District, A.P.
5. The Sub-Divisional Engineer,
Groups, BSNL, Samarlakota, E.G. District., A.P.,
6. The Postmaster General,
Visakhapatnam Region, Visakhapatnam, A.P.
7. The Chief General Manager,
BSNL, A.P.Circle, Vijayawada, A.P.
(As per order of Hon'ble Court dt.30.01.2020
In MA No.970/2019)Respondents

(By Advocate : Mrs.K.Rajitha, Sr. CGSC & Mr.M.C. Jacob, SC for BSNL)

OA No.1119/2019

T.Satyanarayana S/o Baganna, Group-D,
Aged 60 years, working as Casual Labourer,
Customer Care Centre, BSNL Office,
Samarlakota, East Godavari District, A.P.,

Applicant

(By Advocate : Mr. Krishna Devan)

Vs.

1. Union of India, Rep. by Secretary,
Ministry of Telecom, Information & Technology,
Govt. of India, New Delhi.
2. The Vice Chairman & Managing Director,
Corporate Office, BSNL, Barakamba Road, New Delhi.
3. The Chief General Manager,
BSNL, A.P. Circle, at Vijayawada, A.P.,
4. The General Manager, Telecom, BSNL,
Rajamundry, E.G. District, A.P.
5. The Sub-Divisional Engineer,
Groups, BSNL, Samarlakota,
E.G. District., A.P.,Respondents

(By Advocate : Mrs.K.Rajitha, Sr. CGSC & Mr.M.C. Jacob, SC for BSNL)

ORDER (COMMON)
(As per Hon'ble Mr.B.V.Sudhakar, Administrative Member)

Through Video Conferencing:

2. The OAs 867/2018 and 1384/2013 are filed by different applicants in respect of grant of Temporary status, regularisation and termination of services by the same respondents. Besides, the applicant in OA 867/2018 was discontinued from service as a sequel to a series of orders of the judicial fora and hence, he filed OA 1119/2019, which has also been dealt to get an overall picture of the case. Hence, a common order is passed.

3. Brief facts in **OA 867/2018** as narrated by the applicant Sri T.Satyanarayana are that he was appointed as Extra Departmental Agent (now GDS) on 17.9.1980 and while working as ED (Extra Departmental) Messenger in the Telegraph section of the Samalkota, Head Post Office, the bifurcation of the Department into Posts and Telecom took place and the applicant along with similarly placed employees were ordered to work for the Telecom. From 30.3.1991, applicant was attending to the duties of Group D in the Dept. of Telegraph. On 16.5.1997, CGM of A.P. Circle called for particulars of ED Postal Messengers working in Telegraph offices or Telecom Messengers for absorbing them. The Dept. of Telecom on 7.11.1989 has framed a scheme for grant of temporary status to those who were engaged after 30.3.1985 and who worked for 240 days in a year. On 17.12.1993 a circular was issued to cover casual labour engaged between 31.3.1985 to 22.6.1988 and one more on 14.8.1998 for those engaged prior to 1.8.1998. Before the formation of BSNL in the year 2000, DOT on 16.9.1999 decided to convert part time casual labourer into full time casual labourer. Again, DOT came up with a circular dated 29.9.2000 to regularise part time and full time casual labourers in the order of

preference. Consequent to the issue of the circulars, CGM, BSNL Hyderabad regularised the services of full time casual labourers including the ED messengers who were on the rolls prior to 1.8.1998. However, the applicant Sri T. Satyanarayana was ordered to be repatriated and challenging the same, OA 1365/1997 was filed which got dismissed on 10.08.1999 and therefore WP 17753/1999 was filed wherein the Hon'ble High Court has given the liberty to raise the issue of denial and discrimination in the context of similarly placed employees Sri Mohd Tajuddin Khan and others who were regularised in 2001. Accordingly, OA 243/2003 was filed, which was dismissed for want of jurisdiction and hence, WP 13468/2004 was filed which was later taken up as TA 44/2010 and disposed of on 13.4.2011 directing to dispose of the representations submitted. Accordingly, CGM, Hyderabad rejected the claim on 27.7.2011 and the said order was challenged in OA 846/2011 wherein an interim order was issued by the Tribunal to maintain status quo in regard to continuation of the employee and thereafter, dismissed the OA on 31.10.2012 leading to filing of WP No 37452/2012 resulting in an interim order on 24.6.2013 to continue the applicant and to consider the case of the applicant with reference to that of Sri Md. Tajuddin Khan & ors, on making a representation. Thereafter, respondents approached the Hon'ble Supreme Court and obtained an order to the effect that the respondents will consider and pass appropriate orders on the issue. Applicant did file Contempt Case No.1985/2013, which was closed based on the letter dated 6.2.2014 of the respondents and the Hon'ble High Court gave liberty to question the rejection or take steps to amend the WP, if he so desires. However, WPMP No.9483/2014 seeking to amend the prayer for challenging the order 6.2.2014

was not entertained on 22.3.2018 but left it open to pursue statutory remedy while continuing the interim order for a period of 4 weeks.

The respondents discontinued the applicant Sri T.Satyanarayana from service, after attaining the superannuating age of 60 years. Challenging the same, applicant filed **OA 1119/2019** in continuation of the OA 867/2018 claiming that when the interim order dated 6.9.2018 of the Tribunal in OA 867/2018 was in vogue, the respondents discontinuing the services of the applicant vide order 29.6.2019, is illegal.

4. The contentions of the applicant Sri T. Satyanarayana in **OA 867/2018** are that Sri Md Tajuddin Khan & ors are also ED Messengers and similarly placed, their services were regularised on filing WP, but not the services of the applicant. The applicant went through the same process and rejection order dated 6.2.2014 was issued without application of mind, abusing the process of law and by discriminating the applicant. The continuation of the applicant as Telecom Messenger at Samalkota BSNL presupposes the existence of vacancy as per the observation of the Hon'ble Supreme Court in its decision dt.1.8.2018 in CA No. 742329/2018 in the matter of Narendra Kumar Tiwari. Action of the respondents in denying regularisation is illegal, arbitrary and in violation of Articles 14, 16 & 21 of the Constitution.

5. In **OA 1119 of 2019**, the contentions of the applicant Sri T.Satyanaryana are that the Impugned order is not a speaking order and passed without notice or by an order of the Court. The order dated 6.9.2018 is binding since it has not been modified by an appellate Court. No rule was cited for resorting to such an order. ED Agents retire at the age of 65 years and also Causal labour. Due to abrupt

termination, applicant is put to financial hardships and his family is on the streets. Respondents have abused the process of law by passing one order or the other to frustrate the claim of the applicant. The applicant was discriminated. The annual bonus and other benefits were not extended to the official since 1991 as an ED official. Articles 14 and 21 of the Constitution have been violated.

6. Respondents 2 to 5 in their reply in **OA 867/2018 pertaining to the applicant Sri T.Satyanarayana**, while tracing the legal history of the case, as was brought out in the above paras, have stated that the status of the applicant is that of a ED Messenger, who was essentially on deputation to Telecom and therefore, ordered to be repatriated when his services were not required. Applicant resisted the same by filing various OAs seeking regularization, which were disposed on merit. The challenge to the order in OA 846/2011 was withdrawn and the present OA is filed. The impugned order is based on the Hon'ble Supreme Court order in Uma Devi which holds the field. Applicant is not a casual a labour of DOT as held by the Tribunal and the Hon'ble High court. On 16.5.1997, the CGM did not call for the details of the ED messengers for the sake of absorption. Further, as per law, mistake committed in regularization services of others cannot be forced to be repeated in the case of the applicant. On the basis of interim orders, applicant has been continuing in service and on attaining the age of 60 years as on 30.6.2019 his services have to be dispensed with, subject to the outcome of the instant OA.

The **6th respondent's reply representing the Postal Dept**, confirms the fact that the applicant Sri T. Satyanarayana was appointed as ED Messenger at Samalkot Head Post office on 17.9.1980 and with the bifurcation of the Posts & Telegraphs Dept, the post of ED Messenger of Samalkot Head Post office was

brought under reduction. However, at the request of the Telecom Center at Samalkot, applicant was sent on deputation basis till regular arrangements were made by DOT. Applicant filed OAs 437/93 & 203/93 wherein Postal Dept was directed to accommodate the applicant and the applicant was offered alternate appointment as ED Packer but the applicant filed a series of OAs/WPs seeking regularisation in DOT, but was not successful. The Postal Dept is in no way concerned with the case fought by the applicant.

Applicant **Sri T. Satyanarayana, filed a rejoinder in OA 867/2018** claiming that because the applicant was engaged to perform duties of Group D, it is an admission of the fact that there was a vacancy and there was work of a Group D available. Consequently, the case of the applicant is covered by the memos dated 16.9.1999, 14.8.1998 by virtue of the order dated 22.6.2001. Temporary status and regularisation of services has to be done even in the absence of a vacancy as per memo dated 7.11.1989. Some other employees like Sri Subba Rao & ors and Sri Vijaya Kumar & ors got relief on approaching the Apex Court. BSNL authorities have regularised the services of Sri S.Mohan Reddy and Sri M.Nagasayana Babu. The case of the applicant can be considered based on Narender Kumar Tiwari Case in CA No.7423-7429/2018.

7. The response of the respondents in **OA 1119/2019 filed by T.Satyanaryana** is that they reiterated most of the contentions as in the reply statement filed in OA 867/2018 and in addition, they have stated that the 5th respondent issued an order discontinuing the service of the applicant on 29.6.2019 w.e.f 30.6.2019 since the applicant has attained the superannuating age of 60 years and the applicant was asked to approach the Postal authorities. Applicant filed CP 78 of 2019 in OA 867/2018 complaining that the interim order dated 6.9.2018 in OA

867/2018 was not implemented and the said CP was closed on 11.11.2019 after hearing both the sides. Applicant, without disclosing the disposal of the CP, has filed the OA 1119/2019 on 17.12.2019.

8. After hearing both the representing either sides and on perusing the pleadings on record our **Observations in OA 867/2018**, are as under:

9. I. The dispute is about grant of Temporary status and regularising the services of the applicant. With the bifurcation of the Dept. of Posts & Telegraph into Dept of Posts and Dept of Telecommunication, the combined Post Offices were closed and Telecom Centers were opened. Consequently, applicant Sri T.Satyanarayana in OA 867/2018, an ED employee of the postal department was deputed on a temporary basis to work at Telecom center Samakot on 30.3.1991 and when he was ordered to be repatriated in 1997 the same was challenged in OA 1365/1997 which got dismissed. The fact remains that the applicant was appointed as a ED messenger in the Postal Dept and on the closure of combined post offices, the posts of ED messengers were reduced and the Postal Department was willing to accommodate the applicant in an alternative post of ED Packer.

II. However, applicant on dismissal of the OA 1365/1997 on 10.8.1999, approached the Hon'ble High Court in WP No.17753/1999 wherein on an interim basis the applicant was ordered to be continued on 24.8.1999 and later disposed the WP giving liberty to challenge the absorption of similarly placed employees before the appropriate forum. Thereafter, OA 243/2003 was filed, which was not entertained by the Tribunal, due to lack of jurisdiction and therefore, WP 13468 of 2004 was filed, which was later dealt as TA 44/2010 by this Tribunal and disposed directing disposal of the applicant's representation and consequently,

the same was rejected on 27.7.2011 stating that the applicant, a surplus candidate of the Postal Department, was deputed to DOT on a conditional basis and as such, he is ineligible for regularisation. This aspect is confirmed by the reply of the 6th respondent. When the applicant has come on deputation on a temporary basis, he has to go back to his parent department and more so, when the parent department was willing to accommodate him in the alternative post of ED Packer. Further it is well settled in law that deputation is a tripartite agreement involving 3 parties and in case any one party withdraws then the agreement would not hold good. In the instant case the borrowing department, ie DOT/BSNL was unwilling to continue the deputation and therefore rule wise, the correct course of action on part of the applicant was to get repatriated to his parent department, which he did not do but litigated to get absorbed in DOT/BSNL. Therefore, one cannot find fault with the action of the respondents.

III. Nevertheless, challenging the rejection, OA 846/2011 was filed which was dismissed on 31.10.2012 observing that the applicant is not a casual labour of the Telecom Wing and was indeed ordered to be repatriated to Postal wing. Tribunal order was challenged in WP 37452/2012 wherein Hon'ble High Court passed interim order on 24.6.2013 to consider the case of the applicant on par with other similarly placed employees and the said order when challenged by Special Leave to Appeal in CC 19966/13, the Hon'ble Supreme Court clarified that the Impugned order shall not be interpreted to mean as though the petitioners were bound to grant temporary status and regularisation. Consequently, the claim of the applicant was rejected on 6.2.2014 citing Uma Devi.

IV. Thus the matter has been finally adjudicated by the Hon'ble Apex Court and the respondents took the decision to decline the request made for

Temporary status and regularisation. The basis for the rejection was Uma Devi Judgment wherein it was specified that regularisation of casual labour has to be done as per the constitutional scheme of things. The applicant is not a casual labour engaged by the DOT. He was working as a ED Messenger in the Postal Department who came on deputation to the DOT, as is evidenced by the letter dated 6.4.1992 (page 14 of the OA) issued by the respondents and continued in BSNL with the help of a series of interim orders issued in cases filed by him before the Tribunal and the Hon'ble High Court. The applicant is claiming regularisation of his services by the back door since there is no provision in the memos cited by the applicant to regularise services of ED agents. *Defacto*, applicant too did not produce any order confirming that he was appointed as a casual labour by BSNL/DOT to seek the relief claimed as per the memos cited by him. An appointment order has many addendums and not just a particular wage to be paid. After an elaborate process of open selection appointments/engagements are made. The applicant did not go through this process in the DOT. On the basis of the interim orders, applicant continued to work for the respondents till he attained the age of 60 years, which is the age of superannuation as per the respondents assertion in the reply statement. Applicant claimed that the respondents have not cited any rule to retire him at the age of 60 years. It is a claim made by the applicant and it is for the applicant to append the relevant order to further his claim. No order/ rule issued or framed by the respondents, has been enclosed by the applicant in his own interest, to claim that he was not to be retired at the age of 60 years. Therefore, reverting to the core issue, since the applicant is not a casual labour engaged by DOT, the Memos issued by DOT and referred to by the applicant are inapplicable to his case. Even assuming for a

moment that the applicant worked as a casual labour as contended by him, though not admitted, he did work in DOT from 1991 to 1999 for 8 years without the aid of judicial orders and his later service has been on the basis of interim orders. The minimum period prescribed is 10 years in Uma Devi, which he does not fulfil and hence, ineligible for regularisation even assuming that he is a casual labour, though factually the assumption is incorrect. Resultantly, the consequent judgment of the Hon'ble Apex Court in Narender Tiwari relied upon by the applicant, would not be relevant to the case of the applicant. Essential distinction is that the applicant is an ED employee of the postal department on deputation to DOT/BSNL and not a casual labour of the DOT/BSNL which cannot be overlooked and this dissimilarity disables the applicant to seek relief under Uma Devi or Narender Tiwari relied upon by the applicant.

V. The applicant did file Contempt Case No.1985/ 2013 in WP No.37452/2012, which was closed on 14.2.2014 granting liberty to the applicant to challenge the subsequent order of rejection or take steps to amend the WP. Applicant filed WPMP 9483/2014 and on the prayer of the applicant, for disposal of WP to seek statutory remedy with reference to the order dated 6.2.2014, Hon'ble High Court on 22.3.2018 extended the interim order in WP by 4 weeks to enable the applicant to invoke statutory remedy and seek interim protection. It is incorrect to state that the Hon'ble High Court has not entertained the amendment petition as asserted by the respondents and not rebutted by the applicant in his rejoinder. It was the applicant who sought disposal of the WP to seek statutory remedies. Resultantly, present OA was filed wherein the Tribunal extended the interim order on 6.9.2018. The case history indicates that the

Tribunal and the Hon'ble High Court have examined the case and disposed of the same as was appropriate at the relevant point of time.

VI. The main contention of the applicant repeatedly made is that the services of Sri Md. Tajuddin Khan & ors, who were similarly placed like the applicant, were regularised. Therefore, his services too have to be regularised. Respondents have submitted that once a mistake is made they cannot be forced to repeat the same. Ld. Counsel for the respondents contended that they have made a mistake in regularizing the services of Sri Md. Tajuddin Khan & ors and therefore, the illegality committed cannot be perpetuated. When the applicant is lawfully not entitled for regularization of his services, the same cannot be extended to him. A wrong order passed in favour of any party cannot be the basis for any other party to claim similar relief. Negative equality is not envisioned in the Constitution. Ld. Counsel for the respondents repeatedly argued that forcing the respondents by any order of the Tribunal, to repeat the mistake in regularising the services of Sri Md. Tajuddin Khan & others, is against law. We agree with the said submission since the plea made is supported by the observation of Hon'ble Supreme Court in P. Singaravelan and Ors. Etc. vs District Collector, Tiruppur And Ors, Etc on 18th December, 2019 in Civil Appeal No(s). 9533-9537 of 2019 (arising out of S.L.P. (Civil) Nos.5395-5399 of 2016), as under:

*23. In this respect, we find that the High Court in the impugned judgment was correct in concluding that the Appellants cannot claim such relief on the strength of Article 14 of the Constitution of India, when once it has been found that they are not lawfully entitled to the same. It is well-settled by now that a person cannot invoke Article 14 to claim a benefit extended to someone similarly placed if he is not lawfully entitled to such benefit in the first place. Article 14 embodies the concept of positive equality alone, and not negative equality, that is to say, it cannot be relied upon to perpetuate an illegality or irregularity. In fact, this Court has opined that this principle extends to orders passed by judicial fora as well. Thus, the jurisdiction of a higher court cannot be invoked on the basis of a wrong order passed by a lower forum. In this respect, it would be fruitful to refer to the following passage from the decision of this Court in *Basawaraj v. Land Acquisition Officer*, (2013) 14 SCC 81:*

“8. It is a settled legal proposition that Article 14 of the Constitution is not meant to perpetuate illegality or fraud, even by extending the wrong decisions made in other cases. The said provision does not envisage negative equality but has only a positive aspect. Thus, if some other similarly situated persons have been granted some relief/benefit inadvertently or by mistake, such an order does not confer any legal right on others to get the same relief as well. If a wrong is committed in an earlier case, it cannot be perpetuated. Equality is a trite, which cannot be claimed in illegality and therefore, cannot be enforced by a citizen or court in a negative manner. If an illegality and irregularity has been committed in favour of an individual or a group of individuals or a wrong order has been passed by a judicial forum, others cannot invoke the jurisdiction of the higher or superior court for repeating or multiplying the same irregularity or illegality or for passing a similarly wrong order. A wrong order/decision in favour of any particular party does not entitle any other party to claim benefits on the basis of the wrong decision.

Even otherwise, Article 14 cannot be stretched too far for otherwise it would make functioning of administration impossible. (Vide Chandigarh Admn. v. Jagjit Singh [(1995) 1 SCC 745 : AIR 1995 SC 705] , Anand Buttons Ltd. v. State of Haryana [(2005) 9 SCC 164 : AIR 2005 SC 565] , K.K. Bhalla v. State of M.P. [(2006) 3 SCC 581 : AIR 2006 SC 898] and Fuljit Kaur v. State of Punjab [(2010) 11 SCC 455 : AIR 2010 SC 1937].)” This proposition was also recently affirmed by a 3-Judge Bench of this Court in State of Odisha v. Anup Kumar Senapati (Civil Appeal No. 7295/2019, judgment dated 16.09.2019).”

VII. In the rejoinder filed, applicant has given the names of some other employees whose services were regularised. The facts of each case differ, which have to be considered. Nevertheless, presuming that even if the respondents have regularised the services of similarly situated employees cited by the applicant, it would be arbitrary and irregular on part of this Tribunal to perpetuate the illegality as observed by the Hon’ble Supreme Court in the case cited supra, since the applicant is not lawfully entitled for the relief sought. Further, we find it difficult to appreciate as to why the applicant was insistent on being absorbed in DOT/BSNL, though he was selected as ED Messenger in the Dept. of Posts and offered the alternative post of ED Packer, due to reduction of ED Messenger, as contended by the Postal department in their reply. According to the respondents, applicant earlier filed OAs 203 & 437 of 1993, which has not been denied by the applicant, wherein the orders of the Tribunal to the Postal Department are as under:

Order in OA No. 437/1993 dt.6.1.97:

"6. In view of the above the only direction that can be given in this OA is to relieve the applicants herein only when the Postal Department is prepared to receive them and accommodate them in the Postal Wing. Till such time no requisition to the above effect is received from the Postal department, the applicant should be continued in the present capacity under the Telecom Wing. Their regularization in the Postal Wing will depend upon the rules in the Postal Wing on their absorption in the Postal Wing in their turn.

7. The OA is ordered accordingly. No costs."

Order in OA No. 203/1993 dt.6.1.97

"3. This OA is filed praying for a direction to the respondents to absorb them in the vacancies for the post of Telegraph Messenger in the office where they are working by holding that the proceedings are illegal being violative of Articles 14 and 16 read with 311 of the Constitution of India and with a consequential direction to regularize their services.

4. The contentions and the prayer in this OA are similar to the contentions and the prayer made in OA 437/93 which is disposed of today. In view of the above there is no reason to differ from the judgment in OA 437/93

5. Hence we follow the judgment in OA 437/93 and direct as follows:

In view of the above the only direction that can be given in this OA is to relieve the applicants herein only when the Postal Department is prepared to receive them and accommodate them in the Postal Wing. Till such time no requisition to the above effect is received from the Postal department, the applicant should be continued in the present capacity under the Telecom Wing. Their regularization in the Postal Wing will depend upon the rules in the Postal Wing on their absorption in the Postal Wing in their turn.

6. The OA is ordered accordingly. No costs."

Thus the orders in the above OAs were in favour of the applicant and yet he chose not to take advantage of the same for reasons best known to him. The career growth for ED employees is as good as in any other organisation. Yet, the applicant choose to fight a protracted legal battle in different legal forums without much success since the very foundation of the case was weak. It was the mistake of the applicant to refuse to get repatriated and therefore, he cannot find fault with DOT/BSNL for his mistake. Hence, the applicant cannot rub of his own

mistake on to the respondents, as observed by the Hon'ble High Court in **A.K.**

Lakshmi Pathy v. Rai Saheb Pannalal H. Lahoti Charitable Trust, (2010) 1 SCC 287,

as under:

"they cannot be allowed to take advantage of their own mistake and conveniently pass on the blame to the respondents."

VIII. Further, the claim of the applicant in the rejoinder, that since he discharged the duties of a Group D, it has to be presumed that there was a vacancy in the Group-D cadre and hence, there exists a necessity to operate a Group D post, is purely an assumption since the reality is that the applicant is an ED Messenger of Postal Dept, who was on temporary deputation from the Postal Department and has resisted the orders of DOT/BSNL to get repatriated. As a deputationist, once his services were not required, it would have been proper on his part to revert to his parent department. Not doing so has invited the woes he has faced. In a deputation there are 3 parties, namely the employee, lending and borrowing department. Unless all the 3 parties agree, as per deputation rules, the deputation cannot continue. In the instant case DOT/BSNL were not willing to continue the applicant but on the strength of the judicial orders applicant continued as indicated in the relevant judicial order.

10. After hearing the counsel on either sides and perusing the pleadings on record our **Observations in OA 1119/2019**, filed by Sri T. Satyanarayana, are as under:

I. Sri T. Satyanarayana who is the applicant in earlier OA 867/2018, has not revealed about the disposal of CP 78/2019 in OA 867/2018 on 11.11.2019 and hence, the applicant has not come with clean hands to the Tribunal. A litigant is bound to make "full and true disclosure of facts" as observed by the Hon'ble

Supreme Court in *Tilokchand H.B. Motichand & v. Munshi [1969 (1) SCC 110]*; A.

Shanmugam v. Ariya Kshatriya Rajakula Vamsathu Madalaya Nandhavana

Paripalanai Sangam [(2012) 6 SCC 430]; Chandra Shashi v. Anil Kumar

Verma [(1995) 1 SCC 421]; Abhyudya Sanstha v. Union of India [(2011) 6 SCC 145]; State of Madhya Pradesh v. Narmada Bachao Andolan [(2011) 7 SCC 639]; Kalyaneshwari v. Union of India [(2011) 3 SCC 287]]. Applicant seeking

justice, should be fair to the Court and if he is not, then it amounts to abuse of process of the Court and indeed Contempt of Court {K.D. Sharma v. SAIL [(2008) 12 SCC 481]}.

While approaching the Tribunal, the applicant need to come not only with clean hands but also clean mind, heart and objective, which are the prerequisites for judicious litigation. Majesty of law should not be marred by suppression of information. Over the centuries, Courts discouraged litigants to approach without full disclosure of facts and in fact, held that they need not be heard nor granted any relief. The obligation to approach the court with clean hands is an absolute obligation. An applicant who files a misconceived application need not be dealt lightly. The jurisdiction of the Tribunal should not be a source for abuse of the process of law by a disgruntled applicant. The applicant cannot play hide and seek with the Tribunal or pick and choose. Suppression or concealment of material facts is impermissible to a litigant or even as a technique of advocacy. No litigant has a right to unlimited drought upon the court time and public money in order to get his affairs settled in the manner as he wishes. In making the above remarks, we take support of the observations of the Hon'ble High Court of Karnataka in **Pushpa B R vs The State of Karnataka** on 21 August, 2018 in Writ Petition Nos.35510-35513/2018 (LB-RES)

*“18. The petitioners have not produced any material documents to establish their residential proof in the address furnished along with the writ petitions with verifying affidavit. This clearly indicates that the petitioners have not come to the Court with **clean hands**. It is expected that every citizen, who approach the Court seeking justice should be fair to the Court. When they are not fair, it amounts to*

abuse of process of Court and contempt of Court. It is well settled that the person seeking equity must do equity. It is not just the **clean hands**, but also **clean mind**, **clean heart** and **clean objective** that are the equi-fundamentals of judicious litigation. The petitioners have unnecessarily dragged the Tahsildar, Municipal Commissioner and the Counselor before this Court, wasting their public time. The conduct and attitude of the petitioners in manner to cause colossal insult to justice and are against the majesty of law which cannot be encouraged in order to see that democratic values enshrined in the Constitution are respected and faith of people in the judicial institutional system is not lost.

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32.1 Courts have, over the centuries, frowned upon litigants who, with intent to deceive and mislead the Courts, initiated proceedings without full disclosure of facts and came to the courts with '**unclean hands**'. Courts have held that such litigants are neither entitled to be heard on the merits of the case nor entitled to any relief.

32.2 The people, who approach the Court for relief on an *ex parte* statement, are under a contract with the court that they would state the whole case fully and fairly to the court and where the litigant has broken such faith, the discretion of the court cannot be exercised in favour of such a litigant. 32.3 The obligation to approach the Court with **clean hands** is an absolute obligation and has repeatedly been reiterated by this Court.

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36. The party not approaching the Court with **clean hands** would be liable to be non-suited and such party, who has also succeeded in polluting the stream of justice by making patently false statements, cannot claim relief, especially under Article 136 of the Constitution. While approaching the court, a litigant must state correct facts and come with **clean hands**. Where such statement of facts is based on some information, the source of such information must also be disclosed. Totally misconceived petition amounts to an abuse of process of court and such a litigant is not required to be dealt with lightly, as a petition containing misleading and inaccurate statement, if filed, to achieve an ulterior purpose amounts to an abuse of process of court. A litigant is bound to make "full and true disclosure of facts".

37. The person seeking equity must do equity. It is not just the **clean hands**, but also **clean mind**, **clean heart** and **clean objective** that are the equi-fundamentals of judicious litigation. The legal maxim *jure naturae aequum est neminem cum alterius detimento et injuria fieri locupletiorem*, which means that it is a law of nature that one should not be enriched by the loss or injury to another, is the percept for Courts. Wide jurisdiction of the court should not become a source of abuse of process of law by the disgruntled litigant. Careful exercise is also necessary to ensure that the litigation is genuine, not motivated by extraneous considerations and imposes an obligation upon the litigant to disclose the true facts and approach the court with **clean hands**.

38. No litigant can play 'hide and seek' with the courts or adopt 'pick and choose'. True facts ought to be disclosed as the Court knows law, but not facts. One, who does not come with candid facts and clean breast cannot hold a writ of the court with soiled hands. Suppression or concealment of material facts is impermissible to a litigant or even as a technique of advocacy. In such cases, the Court is duty bound to discharge rule nisi and such applicant is required to be dealt with for contempt of court for abusing the process of court. {K.D. Sharma v. SAIL [(2008) 12 SCC 481].

39. *Another settled canon of administration of justice is that no litigant should be permitted to misuse the judicial process by filing frivolous petitions. No litigant has a right to unlimited drought upon the court time and public money in order to get his affairs settled in the manner as he wishes. Easy access to justice should not be used as a licence to file misconceived and frivolous petitions. ([Buddhi Kota Subbarao v. K. Parasaran](#), (1996) 5 SCC 530)."*

II. The order of the Tribunal in CP 78/2019 dt.11.11.2019 is hereunder extracted:

"4. *It is no doubt true that the interim order was passed to the effect that the applicant shall be continued in service until further orders. The fact however remains that the applicant attained the age of 60 years on 07.06.2019. When a regular employee cannot be continued in service beyond 60 years, the question of a casual labour being continued after attaining the age of 60 years does not arise. The applicant cannot be kept on a higher pedestal than a regular employee.*

5. *We do not find any basis to interfere with the claim of the applicant. We, therefore, close the Contempt Petition."*

The order is lucid and therefore, the contention of the applicant that the interim order dated 6.9.2018 in OA 867/2018 has not been dealt/modified by a Court does not hold good. We need not add further, since the order in the CP makes it explicit that the applicant is ineligible for the relief sought. It is not the respondents but it is the applicant who has agitated frequently before the Tribunal and the Hon'ble High Court on one pretext or the other though the Judicial fora was disinclined to issue orders as sought, on the basis of rules and law as brought out in paras supra.

III. Hence considering the elaborate deliberations made above, we find it difficult to come to the rescue of the applicant for granting reliefs, as sought in both the OAs.

OA 1384 of 2013

11. Coming to **OA No.1384 of 2013**, the facts of the case, as described by the applicant Sri N. Ramkrishna Rao are that, he was engaged as ED Messenger in 1992 in the Postal Department. Consequent to the formation of Telecom Center, applicant was directed to work in Tatipaka Telecom center from 10.2.1993 by the Dept. of Telecom (DOT). When DOT decided to repatriate the applicant to the Postal Department, applicant along with 8 others filed OA 1180 of 1994 wherein it was directed not to repatriate the applicant as an interim measure on 28.9.1994 and finally on 15.10.1997 it was held that the applicant should be allowed to be continue till the Postal Dept. calls back the applicant. Not being satisfied with the order of the Tribunal, WP No. 30574/97 was filed by the applicant and 8 others, wherein respondents were directed on 1.12.1997, to maintain status quo with respect to continuation in DOT. Thereafter, DOT issued a Circular on 14.8.1998 for granting temporary status to a casual labourer who has worked for 240 days preceding to 1.8.1998 and was on duty on 1.8.1998. Further, on 16.9.1999 orders were issued by the DOT for conversion of Part Time Causal labourer to Full time casual Labourer in order to grant temporary status of Group D. Accordingly, the Chief General Manager ordered conversion of some Part time casual labourers into Full Time casual labourers. Another circular was issued on 29.9.2000 by DOT to regularise services as Group D vide circular 16.9.1999. Basing on the circulars, full time or part time casual labourers were granted temporary status or services were regularised as Group D. In the meanwhile, BSNL was formed and the CGM, BSNL, AP Circle on 22.6.2001 has communicated approval for regularisation of services of part time casual labourer including ED messengers of the Postal Dept. after converting them as full time casual labourer. Kurnool, Warangal, West

Godavari, Guntur and Narasaraopet Divisions implemented the orders but the applicant was not granted the benefit vide DOT letter dated 29.9.2000 and Circle Office letter dated 22.6.2001. While disposing the WP 30574/1997, Hon'ble High Court on 21.1.2003 while not interfering with the proceedings of Telecom authorities to repatriate the petitioners gave liberty to agitate before the appropriate forum in regard to the orders of the respondents dated 3.7.2001 & 31.12.2001 for indulging in discrimination by regularising the services of Sri. Md Tajuddin Khan, M. Rajeswar Rao and Sri B. Nagarajuna Rao working in Telecom Center of DOT/BSNL in W.G. Division who are similarly placed like the applicant since they too have come from the Postal Dept. Consequently, the applicant requested for regularisation of services and in response, respondents directed repatriation of ED messengers by letters dated 31.12.2004. The same was challenged in WP No.24345/2004 wherein interim order of status quo was issued until further orders. After BSNL came under the jurisdiction of the Administrative Tribunal, the Writ petition was transferred and registered as TA No.39/2011 and the TA was disposed on 19.8.2011 directing the respondents to take action, based on TA 44/2010 wherein similarly placed applicants were directed to represent and the same has to be disposed by issue of a reasoned and speaking order. Despite orders of the Tribunal as referred to, applicant was terminated from service w.e.f. 1.11.2011 and relieved. Aggrieved, **OA 1118/2011** wherein it was directed on 27.8.2013 that the representation of the applicant be disposed based on TA 39/2011 within 4 weeks and till that time, the termination order shall be kept under abeyance. Respondents, in compliance, terminated the services of the applicant on 22.10.2013 and the same was communicated to the applicant on 11.11.13 and hence the OA.

12. The contentions of the applicant Sri N. Ramakrisna Rao are that Sri Md. Tajuddin Khan & ors who were similarly placed have been regularised in 2001 based on DOT orders and not the applicant, which tantamounts to discrimination. Articles 14, 16 & 21 of the Constitution of India have been violated. Impugned order indicates lack of application of mind and abuse of power, consequent to which the applicant lost 12 years of service and attendant benefits. The Postal Dept. has engaged the applicant as a substitute in ED Messenger post and hence, cannot be regularised by them and whereas, DOT has engaged the applicant as a casual labourer from 10.2.1993 till 11.11.2013 but not as an employee of the Postal Dept as claimed by R-3 in the I.O. The applicant is eligible to be regularised as per DOT orders dated 16.9.1999 and 29.9.2000. Hon'ble High Court in a batch of cases filed by M.Kasturi, M. Subba Rao, etc has held that those part time casual labourers who worked for 240 days in a year preceding to 1.8.1998 are entitled for grant of temporary status after conversion. Applicant is similarly placed, but was not regularised and hence illegal. Terminating the services of the applicant on the ground that the telegraph services have been withdrawn is unreasonable since the applicant can be utilized as Group D in any branch for which the applicant is willing. In respect of the order dated 24.6.2013 in W.P. 37452/2012 in favour of T. Satyanarayana by the Hon'ble High Court as referred to in para 12 of the judgment dated 27.8.2013, a contempt petition has been filed in C.C. Sr. No. 5955/2013 and hence the impugned order is not sustainable. The applicant services are to be regularised from 3.7.2001/ 31.12.2001, the dates on which similarly placed employees were regularised.

13. Respondents in their reply statement, submit that the applicant while working as leave reliever of Telegraph Messenger in the erstwhile Department of

Posts & Telegraphs was rendered surplus in the Postal Department and was therefore taken to the Telecom wing on a temporary basis, on the request of the Postal Department, for delivery of telegrams at Telecom customer service centre in 1993. He was treated as a part time worker and was paid the minimum of Group D pay scale. The applicant filed different OAs and WPs and based on the directions in the said applications, he is being continued in service. Finally, in OA 1118/2011, it was directed on 27.8.2013 that the representation of the applicant be disposed based on TA 39/2011 within 4 weeks and till that time the termination order shall be kept under abeyance. Respondents complied, terminating the services of the applicant on 22.10.2013 and communicated the same to the applicant on 11.11.13. However, applicant is continued in service based on the interim order in the instant OA issued on 19.11.2013. The applicant is not eligible for regularisation as per rules. No ED agent from East Godavari SSA was regularised. The wages for the months from July to September 2013 have been paid on 19.11.2013 with some delay due to administrative reasons. It is also not known as to whether the applicant was on the regular establishment of the Postal Department.

14. The 4th respondent on behalf of the **Postal Department** has filed the reply wherein it is stated that the applicant has worked as an outsider in the Postal Department and was engaged in leave vacancies. Hence the applicant was neither a regularly selected candidate nor did he work as ED Messenger. Hence, his case could not be considered for absorption like other regularly selected ED Messengers who became surplus employees due to the bifurcation of the Department. DOT did engage ED messengers of the Postal department on deputation till they get absorbed in the postal side. When DOT decided to

repatriate the applicant in Dec. 2004 it was informed that the applicant was an outsider and not a regular employee. The Postal Department is no way related to the dispute.

15. Observations in OA 1384, after hearing both the counsel and perusing the pleadings are hereunder

I. We observe from the facts of the case that applicant was engaged as an outsider in the Postal Department to work in leave vacancies. When the Posts and Telegraphs Department was bifurcated, the applicant was engaged in the Telecom Customer Service centre on a temporary basis till he could be absorbed in the Postal wing. When he was ordered to be repatriated to the Postal wing in 1994, a series of OAs and WPs were filed and based on the orders therein, the applicant has been continued in the DOT/BSNL. The stand taken by DOT/BSNL is that the applicant is not eligible to be regularised as per relevant rules and the Postal Department took a similar view claiming that the applicant is an outsider and hence, not eligible for absorption. While admitting that the applicant has no claim in respect of the Postal Department but in respect of DOT, applicant claims that he worked for the DOT for many years in the minimum of pay scale of Group D and therefore, he is entitled for regularisation. Being on the issue of regularisation, the Hon'ble Supreme Court in ***Secy., State of Karnataka v. Umadevi, (2006) 4 SCC 1*** has observed as under:

“One aspect needs to be clarified. There may be cases where irregular appointments (not illegal appointments) as explained in S.V. Narayanappa, R.N. Nanjundappa and B.N. Nagarajan and referred to in para 15 above, of duly qualified persons in duly sanctioned vacant posts might have been made and the employees have continued to work for ten years or more but without the intervention of orders of the courts or of tribunals. The question of regularisation of the services of such employees may have to be considered on merits in the light of the principles settled by this Court in the cases above referred to and in the light of this judgment. In that context, the Union of

India, the State Governments and their instrumentalities should take steps to regularise as a one-time measure, the services of such irregularly appointed, who have worked for ten years or more in duly sanctioned posts but not under cover of orders of the courts or of tribunals and should further ensure that regular recruitments are undertaken to fill those vacant sanctioned posts that require to be filled up, in cases where temporary employees or daily wagers are being now employed. The process must be set in motion within six months from this date.” (Emphasis supplied)

Applicant was engaged temporarily to deliver telegrams in DOT and that too, till he could be adjusted in the Postal Department. In Postal Department, he was an outsider and therefore, ineligible for regularisation as admitted by the applicant. The applicant joined DOT in 1993 and when DOT tried to repatriate him in 1994 to the Postal Dept. OA 1180/1994 was filed wherein an interim order was issued on 28.9.1994 not to repatriate the applicant and finally disposed the OA on 15.10.1997 directing DOT not to repatriate the applicant till Postal Dept calls back the applicant as the applicant has no right to get absorbed in Telecom department (date of events document filed with the OA). Thus the applicant was engaged by DOT temporarily for a period of around one year upto 1994 without the intervention of the Judicial fora and thereafter, from 1994 he has been continuing on the strength of the orders of the judicial fora. Hence, he has not even rendered 10 years of service without the intervention of Courts, to be eligible for regularisation, assuming though not admitted that he worked as a casual labourer in DOT/BSNL. The applicant has not submitted any proof that he was engaged as a casual labour and on the contrary the document submitted by the applicant dated 10.2.1993 (A-5) clearly demonstrates that the applicant was taken on deputation on a temporary basis. The applicant was thus not recruited through any regular recruitment process. Hence, as per the above judgment, the applicant is not eligible for regularisation. In view of the Hon’ble Supreme Court observations cited supra the orders of the Hon’ble High Court in respect of Sri

M.Subba Rao, M.Kasturi etc may not come to the rescue of the applicant given the facts and circumstances of the instant case.

II. The repeated claim of the applicant is that the services of other similarly placed employees like Sri Md. Tajuddin Khan & others were regularised. The respondents state that none of the ED Messengers from the East Godavari SSA were regularised. In this regard, we need to observe that the applicant is not similarly placed since Sri Tajuddin Khan & others were regular messengers in Postal Department, whereas the applicant was engaged as an outsider. Besides, respondents have contended in OA 867/2018 that they have made a mistake in regularising the services of Sri Md. Tajuddin Khan & others. The Ld. Counsel for the respondents harped on the aspect that the Tribunal should not force the respondents to replicate the mistake since it is impermissible under law. True, the illegality committed by them cannot be forced to be perpetuated by an order of this Tribunal as observed at para VI supra. In the case of Sri Satynarayana, the Contempt case has been closed as has been brought out in OA 867/2018. Each case has different facts and circumstances. Judgment rendered is an authority only in respect of the case wherein it was pronounced and it should not be logically extended to other cases, as observed by the Hon'ble Apex Court as under:

Ambica Quarry Works vs. State of Gujarat & others, (1987) 1 SCC 213 (para 18).

In para 18 of the judgment in Ambica Quarry Works case (supra), the Honble Supreme Court observed that the ratio of any decision must be understood in the background of the facts of that case and that a case is only an authority for which it actually decides, and not what logically follows from it.

Bhavnagar University vs. Palitana Sugar Mill (P) Ltd. And others, (2003) 2 SCC 111 (para 59),

In para 59 of the judgment in Bhagnagar University case (supra), the Honble Supreme Court observed that a decision, as is well known, is an authority for which it is decided and not what can logically be deduced therefrom and that it is also well

settled that a little difference in facts or additional facts may make a lot of difference in the precedential value of a decision.

Therefore, the cases of M.Subba Rao, M.Kasturi etc referred to by the applicant would not be of assistance to the applicant. The verdict in Uma Devi of the Hon'ble Supreme Court clearly applies to the case of the applicant and therefore, he is ineligible to be considered for the relief sought for reasons stated supra. Any relief granted to him would be against constitutional scheme of things in offering employment by the Government.

16. Common observations in respect of the 3 OAs

I. The Ld. Counsel for the applicants, on being permitted, has submitted the following material papers after the OAs were reserved for judgment. We have gone through all of them and we find that the judgments and orders enclosed would not be applicable in respect of the applicants for the following reasons.

a. Applicant in OA 867/2018, Sri T.Satyanarayana, was appointed as a ED messenger and has come on deputation from the postal department consequent to the post of ED messenger brought under reduction and the said department was willing to consider his absorption in alternate post but the applicant continued in DOT/BSNL by protracted litigation. Therefore, without any iota of doubt, applicant is not a casual labour but an Extra Departmental Employee (Grameen Dak Sewak-revised designation). Therefore, he would not come under the ambit of judgments applicable for casual labour. Further the applicant has not come with clean hands to the Tribunal while filing OA 1119/2019 since he was found to have suppressed the information in regard to the CP No.78/2019 filed by him alleging non-compliance of the interim order passed in OA 867/2018, which is anathema

in the legal domain. In fact Hon'ble Supreme Court has observed that such litigants need not be granted any relief as cited supra. Besides, accepting for a moment that applicant worked as a casual labour as claimed, though not admitted, it is seen that the applicant did not work for 10 years as required by Uma Devi without the intervention of the courts. Besides, with the intervention of the judicial fora applicant continued to work in DOT/BSNL upto the age of 60 years as prescribed for the regular employees. Even after working upto the age of 60 years applicant filed OA 1119/2019 challenging his disengagement after attaining the age of 60 years, which is rather surprising.

- b. In respect, of the applicant Sri N.Ramkrishna Rao in OA 1384/2013, he worked as an outsider in leave vacancies in postal department. Applicant did not work for 10 years as required in Uma Devi judgment without the intervention of the courts as brought out in paras supra and hence ineligible. Applicant is not similarly situated like Mr Tajuddin Khan etc, whose services were mistakenly regularised by the respondents, since the applicant was not regularly appointed as an ED agent like Mr. Tajuddin Khan etc and admitted by the applicant.
- c. In addition, in the OA 180/2018 & TA 9347/2005 referred to above, the facts and circumstances stated therein are totally different to those in the present OAs.
- d. Further, in the context of the facts and law discussed in above paras which make the applicants ineligible for the relief sought, the material papers submitted would not come to the assistance of the applicants. We would not like to state them to avoid repetition.

II. Other contentions made by the applicants in different OAs have been gone through and only those relevant to the disputes on hand have been adduced and dealt with.

III. Before, parting we need to observe that the applicants have filed many cases on the same issue of regularisation and it eluded them since rules and law were not in their favour. There has to be an end to litigation in public good. At some stage, it is necessary to put a quietus. Despite the observations of the Tribunal and the Hon'ble High Court, which were not in favour of the applicants as was expected by them, yet they went on filing cases being unsatisfied with the decisions. Having hope is a human want but it should be tempered with practicality which is mirrored by rules and law. The issue in OA 867/2018 went up to the Apex Court and thereafter, respondents rejected the case. In fact, the CP filed in OA 867/2018 was closed and without revealing the same, applicant in the said OA, filed OA 1119/2019, which we do not appreciate. Hence, adequate attention has been paid to the case in required detail. Similarly, applicant in OA 1384/2013 did file a number of applications in the Tribunal and the in the Hon'ble High Court. In fact, OA 1384 of 2013 was dismissed on 2 occasions for lack of prosecution, later restored on 2 occasions in order to ensure that no injustice is done to the applicant due to technical reasons. However, such concern of the Judicial fora should not be undermined by the applicants in filing application after application, endlessly, for more or less the same relief, by ingenious use of judicial processes. Repeatedly filing OAs for the same relief is not in the best interest of administering justice. We rely on the observation of the Hon'ble Supreme Court in *Enviro – Legal v Union of India and ors* as under, to state the above.

The Supreme Court in Indian Counsel for Enviro-Legal Action Vs. Union of India and Ors. reported in (2011) 8 SCC 161 [Coram: Dr. Dalveer Bhandari and H.L. Dattu, JJ.] discussed the entire issue of finality of judgement in paragraphs 103 to 142. The principle on which the 'Doctrine of Finality' is based has been delineated in paragraphs 103 and 142 that are provided below:-

*"103. The maxim *interest reipublicae ut sit finis litium* says that it is for the public good that there be an end to litigation after a long hierarchy of appeals. At some stage, it is necessary to put a quietus. It is rare that in an adversarial system, despite the Judges of the highest court doing their best, one or more parties may remain unsatisfied with the most correct decision. Opening door for a further appeal could be opening a floodgate which will cause more wrongs in the society at large at the cost of rights.*

104. It should be presumed that every proceeding has gone through filtration several times before the decision of the Apex Court. In the instant case, even after final judgment of this Court, the review petition was also dismissed. Thereafter, even the curative petition has also been dismissed in this case. The controversy between the parties must come to an end at some stage and the judgment of this Court must be permitted to acquire finality. It would hardly be proper to permit the parties to file application after application endlessly. In a country governed by the rule of law, finality of the judgment is absolutely imperative and great sanctity is attached to the finality of the judgment. Permitting the parties to reopen the concluded judgments of this Court by filing repeated interlocutory applications is clearly an abuse of the process of law and would have far reaching adverse impact on the administration of justice.

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142. The applicants certainly cannot be provided an entry by back-door method; and permit the unsuccessful litigants to reagitate and reargue their cases. The applicants have filed these applications merely to avoid compliance with the order of the Court. The applicants have been successful in the endeavour and have not permitted the judgement delivered on 13-2-1996 to acquire finality till date. It is strange that other respondents did not implement that final order of this Court without there being any order or direction of this Court. These applications being devoid of any merit deserve to be dismissed with heavy costs."

17. Therefore, in view of the above stated circumstances, finding no substance and merit in the OAs, we dismiss the same, with no order as to costs. Consequentially, interim order issued on 19.11.2013 in OA 1384/2013 and others, if any, in the OAs adjudicated upon stand vacated.

(B.V.SUDHAKAR)
ADMINISTRATIVEMEMBER

(ASHISH KALIA)
JUDICIAL MEMBER

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