

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD
BENCH AT HYDERABAD.

O.A. NO.27/1990 Dated of Judgment 21.08.1991.

B.Parameshwara Rao Applicant

versus

1. The Divl. Engineer Tele communications,

Eluru 434050;

2. The Telecom, District Manager,

West Godavari District,

Eluru 534050.

... Respondents.

Counsel for the Applicant: Shri J. Venugopala Rao

Counsel for the Respondents: Shri N. V. Ramana, Addl.

C.G.S.C.

Coram:

Hon'ble Shri J. Narasimha Murthy, : Member (Judl)

Hon'ble Shri R. Balasubramanian, Member (Admn).

Judgement as per Hon'ble Shri R. Balasubramanian,

Member (Admn).

This application has been filed by Shri

B.Parmeshwara Rao under section 19 of the Administrative Tribunals Act, 1985 against the Divl. Engineer Telecommunications, Eluru 534050 and anothers.

2. The applicant states that he was recruited as Telephone Operator and on satisfactory completion of prescribed course of training, he was appointed as Telephone Operator w.e.f. 24.6.1981 on 8.5.1984, the Divl. Engineer Telecommunication (DET) Eluru asked the applicant to submit the original certificate of S.E.C. marks etc., and that in case no originals are available with the applicant he must obtain the duplicate copies of the same from the authorities concerned and submit. Thereupon the applicant submitted by his letter dated 28.5.1984 that he had already submitted the original certificates in DET office, Eluru on 27.2.1981 at the time of interview and that the same were not returned to him. Thereupon, the DET Eluru by his letter dated 2.7.1984 intimated that the said statement of the applicant was incorrect as no records were available to that effect.

The applicant, while reiterating that the original certificates were already submitted by him, requested the DET Eluru to furnish the true copies of the certificates which was said to be available in order to get duplicate certificates of the same. On 15.12.1984, a memo was given to the applicant to produce any evidence in token of having made over the certificates. The applicant again reiterated the same. While so, the applicant received a communication No. E/Disc/ EPR/1 dated 30.10.1985 stating that the DET Eluru who is the competent authority proposed to hold an enquiry under Rule 14 of the C.C.S. (C.C.A) Rules, 1965. The gist of imputation of misconduct is that the applicant furnished wrong information regarding the percentage of marks in S.S.C. in connection with his initial recruitment as Telephone operator for II half year 1980 which was said to be verified as incorrect and that the applicant obtained employment wrongfully by furnishing incorrect information contravening rule 3 (1) (i) (iii)

of the C.C.S.(Conduct) Rules, 1964. The DET Eluru entrusted the departmental enquiry to be conducted by the Enquiry officer i.e., the SDOT, Appmedhing that the disciplinary proceedings contemplated under Rule 14 is going to be a mere formality, the applicant sent telegram and representations to the higher alleging bias of the Enquiry officer towards him, but of no avail. The Enquiry officer without giving any opportunity of access to the departmental files at any stage, held the applicant guilty of the charge, basing upon the 'z' register which is alleged to be purposely manipulated. Basing upon the Enquiry Officer's report, the DET Eluru (1st Respondent) by his order dated 28.10.1989 imposed the penalty of 'dismissal from service' on the applicant w.e.f. 28.10.1989 on the ground that the applicant secured employment by furnishing incorrect information about the marks secured by him in the S.S.C. examination. The applicant submitted an appeal to the District Manager, Telecom, Eluru who is the appellate authority, questioning the said order of dismissal as illegal and opposed it on principles of natural justice. The

said appeal was submitted on 30.11.1989. The applicant states that he has waited for more than one month after submitting his appeal and thereafter he has filed this application. The applicant assails the order of dismissal on various grounds.

3. The application is opposed by the respondent through a counter. It is their case that the applicant submitted wrong statement of marks and secured employment by committing fraud. When he was required to produce proof of the certificates he was not able to produce any proof. According to them, the 'Z' register where entries of marks secured by the various applicants are made is a very authentic document countersigned by three responsible officials. They had conducted an enquiry and furnished the enquiry report also to the applicant before the order of punishment. Finally, the punishment of dismissal had been imposed on the applicant and it is contended that this is quite in order.

4. We have examined the case and heard the learned

learned counsel for the applicant and the respondents. When the case came up for admission a question was raised whether without waiting for the appeal to be disposed of by the appellate authority the applicant can file this petition within 6 month's time. This question was raised in view of sections 20 and 21 of the Administrative Tribunals Act, 1985. On account of conflict of opinion between the Guwahati and the Chandigarh Benches the case was referred to a Full bench. The application was eventually admitted. Again, on 22.1.1991, this Bench allowed the application invoking the case of Union of India and others vs. Mohd. Ramzan Khan of the Hon'ble Supreme Court because it was made out at that time that a copy of the Enquiry report had not been furnished to the applicant before the order of punishment of dismissal was passed. It is now seen from para 19 of the reply that before imposing the penalty a copy of the Inquiry officer's report was furnished to the applicant and he made a representation against that also. In the punishment order dated 28.10.1989 of the DET Eluru the disciplinary authority has mentioned that a copy of the enquiry report dated 17.7.1989 was forwarded to the

applicant on 20.7.1989 directing him to make a representation, if any, before arriving at a final conclusion so as to afford reasonable opportunity to the candidate. The applicant had received the communication alongwith the Inquiry officer's report on 24.7.1989 and made a representation vide his letter dated 2.8.1989. It was after considering that this the disciplinary authority imposed the punishment of disssal on the applicant. Such being the case, the order dated 22.1.1991 of this Bench giving relief to the applicant in the light of the Hon'ble Supreme Court's case Union of India and others Vs, Mohd. Ramzan Khan is infructuous. Therefore, at this stage we have to consider this application on merits and dispose of the same.

5. The charge sheet issued on 30.10.1985 contains only one charge that the applicant had furnished wrong information regarding the percentage of marks in S.S.C. in connection with his initial recruitment as Telephone operator. Annexure II to the charge sheet contains the statement of imputations of misconduct or misbehaviour. In that it is stated that the application for the job filed by

the applicant was mutilated since the bottom portion of the same containing answers to question No.7 was torn. It was also stated therein that the 'Z' register was prepared with reference to the details contained in the applications from the candidates. It also states that on verification with the Headmaster, S.V.V. High School, Tadikonda it was found that the applicant has secured 60.6% in S.S.C. excluding Hindi as against a much higher percentage claimed by him in the application. In Annexure III they had given the list of documents. We find that the list of documents consists only of the extract from 'Z' register report from the Headmaster, S.V.V. Singh Tadikonda and three letters of the D.E.T. Eluru addressed to the applicant. Annexure IV refers to two witnesses proposed to be presented by the Administration one was the Headmaster, S.V.V. High School, Tadikonda and the other was Shri K. Venkataratnam (SS(E) presently SSS, o/o DET Rajahmundry. Shri M. Krishna Rao, SEOT Nidadavolu was appointed as inquiry officer. In his letter dated 10.3.1989 addressed to the District Employment Officer, West Godavari District, Eluru requesting him to attend the next sitting of the enquiry proposed to be held

on 20.3.1989 the Enquiry officer had stated that he has been appointed as the Inquiry Authority to prove the charges framed against the delinquent official. An Inquiry officer should conduct the enquiry in an impartial and unbiased manner. He is appointed to enquire and find out the truth behind the charges and if he finds that the charges are not correct he has to say so. It is wrong on the part of the Inquiry officer to assume that he is appointed to prove the charge which, in fact, is the duty of the presenting officer. In para 6 of the reply it is stated that subsequently the SDOT Midadavole had made some correction in the office copy of the letter correcting the word "prove" as "conduct enquiry" on. This correction in the office copy of the latter is meaningless since he had already announced that he had been appointed to prove the charges. The applicant filed a 'bias' petition and sought for a change of the Inquiry officer. This was not allowed. This is a flaw in the proceedings.

6. A charge sheet was issued to the applicant because he was not able to establish that he had produced correct information. In his letter dated 4.8.1986

addressed to the Inquiry officer the applicant had asked for a copy of the advertisement calling for applications for Telephone operators for the 2nd half of 1980. This is significant because as stated by the learned counsel for the respondents in para 7 of the writ an brief such advertisements give the marks obtained by the last candidate who got selected in the previous selection. This is done so that candidates who had obtained much lower marks than the last candidate who got selected in the previous selection had not unnecessarily apply. In the course of hearing the learned counsel for the applicant stated that the applicant, after seeing the previous advertisement, had furnished the correct marks he had obtained and that he had not manipulated any change. It is not understood as to why the Inquiry officer could not furnish this simple document which was widely published. The applicant who was unable to produce copies of the original certificates which he had furnished along with the application wanted the Inquiry officer to show that he had in his hand writing indicated that he had obtained more than 80% in S.S.C. It must be remembered here that the applicant

has throughout been contending that he had submitted originals on 27.2.1981 itself to the Department and that they have not yet been returned. Again, in his letter dated 11.1.1985 addressed to the DET Eluru he had asked for the copies of his college or school certificates which he had asked for the copies of his college or school certificates which he had appended to the application form. This was also not furnished. In other words the respondents were not able to provide any of the important documents which the applicant demanded. We find from para 11 of the reply that in 1980, 1981 and 1982 as many as 47 TOAs/TOS got recruited on the basis of bogus certificates and post to do different units. A majority of them were TOAs and all of them had access to personal files as well as other related papers. They, therefore, want it to be taken that they had played a fraud and destroyed all evidence. That was the reason why they wanted the applicant to produce the proof. When a charge is levelled against a person, it is for the person who levels the charge to reasonably prove the guilt. The failure, whatever be the situation at their end, on the part of the respondents in this direction is another

is another serious flaw in the conduct of the disciplinary proceedings.

7. In the charge sheet the respondents have cited Shri K. Venkataratnam (SS(E) as their witness summoned by the Inquiry officer on 19.11.1988, 23.1.1989 and 9.3.1989 Shri K. Venkataratnam refused to attend the enquiry on the ground of ill health and on the plea that he was not mentally well. Thus, the applicant was not given an opportunity to support his claim that he had made over the originals in February 1981 itself prior to his appointment. This is yet another serious flaw in the conduct of the disciplinary proceedings. Another interesting observation is contained in para 4 of the counter affidavit. The respondents stated that the original certificates of the applicant are neither available in the office nor the applicant can show any proof or acknowledgement that the certificates have been submitted in the office. The certificates might have been returned to the applicant after the recruitment work is completed. When such an important document such as original are to be returned after scrutiny, certainly an acknowledgement should have been taken by the respondents. It is not becoming

of them to say at this stage that these might have been returned.

8. Unable to meet any of the requirement of the applicant, the respondents reply heavily only on the 'Z' register. We have seen the 'Z' register. It contains the name, date of birth, marks etc. The entries are made by one official and countersigned by two other officials including the Accounts officer (not the Dy. DET as stated in the reply) There is evidently no hand of the applicant in the maintenance of the 'Z' register. The 'Z' register can be relied upon only if there are supporting documents. The 'Z' register alone cannot be relied upon particularly when the entries therein are questioned by the applicant.

9. The respondents point out that there had been a big racket. They are sure that every trace of the evidence of the false information furnished by the applicant had been erased. It is a different case if the respondents investigate seriously into the fraud and establish reasonably the involvement of the applicant in such a fraud. If it is evident that appointment has been secured by fraud, such an appointment becomes invalid. But the case before us is

the only charge * against the official that he had furnished wrong information at the time of entry into service. This had not been proved satisfactorily. The applicant was also not given full opportunities to defeat himself.

10. We, therefore, set aside the order of punishment contained in Memo No. E/Disc/EPR/ 88-90 dated 28.10.1998 of the DET Eluru. The applicant is also entitled to all consequential benefits arising from the quashing of this illegal order. The application thus succeeds with no order as to costs.

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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

PETITION FOR SPECIAL LEAVE TO APPEAL (C) NO. OF 1992.

1. Union of India through
Divisional Engineer Telecommunications
Eluru office of Telecom District Manager,
W.G. District Eluru 534050.
2. Telecom District Manager,
West Godavari District,
Eluru 54050.

....Petitioners

versus

B. Parmeshwara Rao,
Ex-Telephone Operator,
S/o Sh. O. Venkatappaliha,
Door No. 4-13-1,
Subba Rao, Dita,
Tadepalligaden,
Pin 534150,
West Godavari,
Distt. Andhra Pradesh.

...Respondent.

PETITION UNDER ARTICLE 136 OF THE
CONSTITUTION OF INDIA.

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To

The Hon'ble Chief Justice of India and
His Companion Judges of the Supreme Court
of India.

The humble petition of the
petitioner above named:

MOST RESPECTFULLY SHOWNETH:

1. This is a petition for Special Leave to appeal in this Hon'ble Court under Article 136 of the Constitution of India against the impugned judgment and order dated 21.8.1991 of the Ld. Central Administrative Tribunal Hyderabad Bench at Hyderabad in O.A.No.27/1990.
2. The petitioner humbly submits that the issue involved in the matter for the kind consideration and decision of Your Lordships is whether the order of dismissal was legally correct.

...contd/-

3. The petitioner may be allowed to submit the facts of the case hereunder:-

a) The respondent was recruited as Telephone Operator with effect from 24.6.1981 on the basis of the marks claimed by him to have secured 80.4% in the S.S.C. exam. after completing the prescribed course of training for the said post.

On 8.5.1984 the Division Engineer, Telecommunications (DET) Eluru, asked the respondent to submit original certificates of S.S.C. marks etc. and that in case no originals are available with the respondent he must obtain the duplicate copies of the same from the authority concerned.

c) The respondent vide letter dated 28.5.1984 informed the concerned officer that he had already submitted the original certificates in DET officer Eluru on 27.2.1981 at the time of interview and the same was not returned to him.

- (d) On 15.12.1984, a Memo was issued to the Respondent to produce any evidence intaken of having made over the certificates.
- (e) The respondent again reiterated the same version as in his letter dated 28.12.1984.
- (f) On failure of getting the mark sheets, the petitioners got the marks of the respondent verified with the Headmaster of S.V.V. High School, Tadikonda, Guntur (A.P) and it was informed on 31.8.1984 that the respondent secured 60.6% in the S.S.C. Examination.
- (g) Thereafter, the respondent received a communication dated 30.10.1985 stating therein that the DET Eluru who is the competent authority proposed to hold an enquiry under Rule 14 of C.C.S.(C.C.A.) Rules 1965.
The imputation of misconduct was that the respondent had furnished wrong information regarding the percentage of marks in S.S.C. in connection with his initial recruitment as Telephone Operator for second half year 1980 which

was verified as incorrect and the respondent had obtained employment wrongfully by furnishing incorrect information contravening rule 3 (1)

(i) (iii) of C.C.S(Conduct) Rules 164.

(h) The Enquiry officer submitted his report to the Disciplinary authority and a copy of the same was furnished to the respondent.

(i) Based on Enquiry officer report, vide order dated 28.10.1989, the DET, Eluru imposed a penalty of dismissal from service of the respondent with effect from 28.10.1989.

(j) Dissatisfied the respondent challenged the impugned judgment and order dated 28.10.1989 by way of an application O.A.No.28/1990 before the Ld. Central Administrative Tribunal Hyderabad Bench at Hyderabad.

(k) By judgment and order dated 21.8.1991 the Ld. Tribunal set aside the order of punishment and the order of the appellate authority holding that the respondent entitled to all consequential benefits.

4. Aggrieved the petitioner is filing this petition for special leave to appeal in this Hon'ble Court under Article 136 of the Constitution of India against the impugned judgment and order dated 21.8.1991 of the Ld. Tribunal.

5. The petitioner humbly submits that he has not filed any other petition in this Hon'ble Court against the impugned judgment and order dated 21.8.1991 of the Ld. Tribunal.

6. The petitioner is humbly seeking relief in this Hon'ble Court on the following among other:-

G R O U N D S

- I. For that the Ld. Tribunal is wrong and incorrect in law and on the material facts of the case available on record.
- II. For that the Ld. Tribunal is wholly wrong and incorrect in holding that copy of the Enquiry Report was duly served to the respondent and therefore he has no reason to challenge the order of dismissal by the

Disciplinary Authority and the order by the Appellate Authority.

- III. For that the Ld. Tribunal has erred on the facts of the case to consider that the respondent was not required to furnish wrong information to the Department to secure employment.
- IV. For that the Ld. Tribunal ought to have held that if such leniency is allowed in the Department it will be injustice to the similar other employees working there in whose cases the Department had followed all rules and regulations.
- V. For that the Ld. Tribunal ought not to have interfered in the matter of punishment by the disciplinary authority which has been imposed after due consideration.
- VI. For that the Ld. Tribunal has failed to hold that even if the respondent was given the opportunity to defend the quantum of punishment could not have changed as it was

for a misconduct which the respondent has not been able to explain but the department is well aware that it should not be allowed according to Rules.

VII. For that the Ld. Tribunal ought to have held that since the respondent had wrongfully obtained employment by furnishing incorrect information about themselves their behaviour to the Government renders them unfit for Government service and their conduct is without absolute integrity unbecoming of a Government Servant contravening Rules 3 (i) (i) and (iii) of C.C.S. (Conduct) Rules, 1964.

VIII. For that, the Learned Tribunal is wrong in holding the view that 'Z' register cannot be relied upon even when supporting documents in respect of the other candidates who were selected along with the respondents are available and the entries made therein were based on such documents.

IX. For that the Learned Tribunal is wrong expressing doubt on the authenticity of the 'Z' register in which entries were made only on the basis of documents produced by the candidates at the time of recruitment and such entries were duly verified by responsible gazetted officers and the authenticity of the register has been admitted by the defence witnesses during the course of disciplinary proceedings against the respondents.

X. For that, the Learned Tribunal has failed to take notice of the fact that the minimum percentage of marks. i.e. 75% taken for recruitment in the cadre of telephone operator in Elluru Division for the IInd half of 1980 was duly published in the local and national newspapers and that the respondents could not stand in the recruitment list on the basis of the marks they secured and which were subsequently got verified from their respective educational institutions.

XI. For that Learned Tribunal has failed to logically infer on the basis of whatever indirect evidence presented before it in the absence of the Direct evidence that had the respondents not produced bogus documents at the time of recruitment, they could never have been appointed on the basis of the actual marks they have secured in the qualifying certificate examination.

XII. For that the Learned Tribunal has erred to hold the view that the 'Z' register cannot be relied upon, especially when there is prima facie case that the respondents were involved in the removal of direct evidence of their securing appointment by fraudulent means in connivance with some officials of the Department and full scale investigation and disciplinary proceedings are in progress against such officials. A copy of the report will be submitted before the Hon'ble Court after completion of the proceedings.

- XIII. For that, the Learned Tribunal has hastily pronounced the order without awaiting the outcome of such investigation and proceedings and thereby depriving the petitioners an opportunity to prove the guilt of all those who were involved in the fraud case.
- XIV. For that, the Learned Tribunal has erred holding the view that the 'z' register cannot be relied upon in the absence of hand of the respondents in the maintenance of their register, Because, there is prima facie case against the respondents for their involvement in the removal of the direct evidence from the register and hence they cannot question the particulars entered in the 'z' register.
- XV. For that, there are believed to be about 50 such cases where prima facie case of securing employment through fraudulent means has been noticed and full investigation is in progress. If the order of the Learned Tribunal is not set aside it will be against public interest and public policy.

P R A Y E R

On the basis of the averments made above the petitioner most respectfully prays that the Hon'ble Court may be pleased;

- (i) to grant special leave to appeal the Hon'ble Court under Article 136 of the Constitution of India against the impugned judgement and order dated 21.8.1991 of the Learned Central Administrative Tribunal, Hyderabad Bench at Hyderabad in C.A.No. 27/1990.
- (ii) to hear it and allow.
- (iii) to pass any other order or orders as this Hon'ble Court may deem fit.

AND FOR THIS THE PETITIONER SHALL EVER PRAY.

DRAWN BY

FILED BY

(MRS. SARLA SHENDRA)
Advocate.

(ANIL KATYAR)
Advocate for the petitioner.

New Delhi.

Dated,

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

SPECIAL LEAVE TO APPEAL (C) NO.....OF 1992.

In the matter of;

Union of India and ors. Petitioners

versus

B.Parmeshwar Rao. Respondent.

AFFIDAVIT

I, S.K.Dhawan, Asstt. Director General (STN) Ministry of Communication, New Delhi, do hereby solemnly affirm and declare as under:-

1. That I have gone through the accompanying Special Leave to Appeal Application for stay, application for delay, and with reference thereto say that is stated therein is true and correct on the basis of information derived from the record of the case.
2. That the petitioner herein did not filed any other petition against the impugned order in this Hon'ble Court.

That the copy of the order was received in the office of the petitioner from the office of the C.A.T. On 6.9.91.

DEPONENT

Verified at New Delhi.

Dated this.....day.....of 1992.

IN THE SUPREME COURT OF INDIA

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CIVIL APPELLATE JURISDICTION

I.A.(C)NO. _____ OF 1992.

In

PETITION FOR SPECIAL LEAVE TO APPEAL (C) NO.....OF 1992.

1. Union of India through
Divisional Engineer Telecommunications
Eluru office of Telecom District Manager,
W.G.District Eluru 534050.
2. Telecom District Manager,
West Godavari District,
Eluru 54050.

....Petitioners

versus

B.Parmeshwara Rao,
Ex-Telephone Operator,
S/o Sh. O.Venkatappaliha,
Door No.4-13- 1,
Subba Rao, Dita,
Tadepalligaden,
Pin 534150,
West Godavari,
Distt. Andhra Pradesh.

...Respondent.

PETITION FOR STAY

To

The Hon'ble Chief Justice of India and his
Companion Judges of the Supreme Court of India.

The humble petition of the
petitioner above named;

MOST RESPECTFULLY SHOWETH:

1. This is a petition for stay in the petition for leave to appeal in this Hon'ble Court under Article 136 of the Constitution of India against the impugned judgement and order dated 21.8.1991 of the Ld. Central Administrative Tribunal Hyderabad Bench at Hyderabad in O.A.No.27/1990.
2. The petitioner humbly submits that for the purpose of stay he craves leave of your lordships to refer to and rely on the special leave petition at the time of hearing.
3. The petitioner humbly submits that if the operation of the impugned judgement and order dated 21.8.1991 of the Ld. Tribunal is not stayed the Department

Department will have to re-instate the respondent against rules and regulations being precicied in this Department.

4. The petitioner humbly submits that the respondent was dismissed after due enquiry proceedings and that a copy of the enquiry report was furnished to the respondent.

5. The petitioner humbly submits that it is not desirable for courts to interfere in the punishment by the Disciplinary authority as held by this Hon'ble Court consistently in several cases.

6. The petitioner humbly submits that pending decision of your lordships in the matter it will be in the interest of justice to stay the operation of the impugned judgment and order dated 21.8.1991 of the Ld. Tribunal.

P R A Y E R

On the basis of the submissions made above the petitioner most respectfully prays that this Hon'ble Court may be pleased;

- (i) to pass an order of stay in the petitioner special leave to appeal in this Hon'ble Court under Article 136 of the Constitution of India against the impugned judgment and order dated 21.8.1991 of the Ld. Central Administrative Tribunal Hyderabad Bench at Hyderabad in O.A.No.27 of 1990, and
- (ii) to pass an ad interim ex parte order of stay pending hearing of the petition on notice of action.
- (iii) to pass any other order or orders as this Hon'ble Court may deem fit.

AND FOR THIS THE PETITIONER SHALL EVER PRAY.

DRAWN BY

FILED BY

(MRS. SARLA CHANDRA)
ADVOCATE.

(ANIL KATYAR)
ADVOCATE FOR THE PETITIONERS.

New Delhi.

Dated: _____

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

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I.A.(C) NO. _____ OF 1992.

In

PETITION FOR SPECIAL LEAVE TO APPEAL (C) NO. OF 1992.

1. Union of India through

Divisional Engineer Telecommunications

Eluru office of Telecom District Manager,

W.G. District Eluru 534050.

2. Telecom District Manager,

West Godavari District,

Eluru 54050.

.... Petitioners

versus

B. Parmeshwara Rao,

Ex-Telephone Operator,

S/o Sh. O. Venkatappaliha,

Door No. 4-13- 1,

Subba Rao, Dita,

Tadepalligaden,

Pin 534150,

West Godavari,

Distt. Andhra Pradesh.

.... Respondent.

PETITION FOR CONDONATION OF DELAY

To

The Hon'ble Chief Justice of India and his
Companion Judges of the Supreme Court of India

The humble petition of the
above named petitioner;

MOST RESPECTFULLY SHOWETH:

1. This is a petition for condonation of delay in the petition for special leave to appeal in this Hon'ble Court under Article 136 of the Constitution of India against the impugned judgment and order dated 21.8.1991 of the Ld. Central Administrative Tribunal Hyderabad Bench at Hyderabad in O.A.No. 27/1990.
2. The petitioner humbly submits that there has been delay in filing this petition for special leave to appeal in this Hon'ble Court for the reasons as under:-
 - (a) on 6.9.1991 the field of unit of Department revised the certified copy of the impugned judgment.

- (b) On 6.9.1991 to 30.9.1991. the case was examined in the office of the COMT, Hyderabad and the opinion of the Government standing Counsel was obtained for filing and S.L.P. against the judgement of the L.D. CAT and the case was referred to the Administrative Ministry for further necessary action.
- (c) From 30.9.1991 to 20.11.1991 the case was further examined in the administrative Ministry and Arrangement for translation of some documents into English in connection with the case written in Telegu was made. Some querious were got a clarified from the circle office Hyderabad through correspondence and to case was referred to the Ministry of Law for advice for finilg S.L.P. in the case.
- (d) From 20.11.1991 to 27.11.1991 the Ministry of Law Examined the case and requested the administrative Ministry to submit some other documents in connection wit. disciplinary proceedings against the respondents and back the case to the administrative Ministry.

- (e) From 27.11.1991 to 10.1.1992 the documents required by the Ministry of Law were called for from the circle hyderabad and English version of some papers was prepared and referred to Ministry of Law for further consideration.
- (f) From 10.1.1992 to 17.1.1992 the matter was examined and re examined in detail in the Ministry of Law and referred to Central Agency Section for seeking the opinion of learned Additional Solicitor General.
- (g) from 23.1.1982 the learned solicitor General gave his opinion in favour of filing S.L.P. in the Hon'ble Supreme Court.
- (h) from 23.1.1992 to 4.2.1992 the case was referred the case to the Govt. Advocate for preparing draft S.L.P. on the matter and after the needful was done it was sent to the administrative Ministry of perusal.
- (i) From 4.2.1992 to 14.2.1992 the draft Special leave petition was examining in the administrative Ministry some modifications in the draft were appended copies of the documents were prepares

necessary money required is court fee and misc. charge was sanctioned and the case was sent to the C.A.S. for necessary for their action for filing special leave petition.

4. The petitioner humbly submits that on receipt of the file and papers new from the Deputy Secretary the Central Agency Section has taken step to file the petition of appeal.
5. The petitioner humbly submits that short delay has been caused on account of the examination of the relevant papers and documents and getting mentioned and approvals from various authorities in the question filing petition of appeal in the Hon'ble Court).
6. The petitioner humbly submits that in spite of paucity of staff cannot efforts were made to finalise the issue and file the appeal as early as possible. As to stage and no point and time an intentional or will full delay has occurred. It will be appreciated that the papers had no pass through several hands within and outside the Ministry.

7. The petitioner humbly submit that commit the petitioner has got a very good case and therefore the indulgence of this Hon'ble Court is solicited to condone the delay filing the petition of appeal.

8. The petitioner humbly submits that the matter of immense public importance having for machinge consquence effecting the interest in general and huge Government revenue in particular.

9. The petitioner humbly submits that this Hon'ble Court has also hold in their judgement reported in AIR 44 SC 845 that the public interest any be suffer of the cases of the government through out merely of the grounds of some delay.

10. The petitioner humbly submits that the Hon'ble Court has the power to condone the delay and it is respectfully that the same may be exerfised in favour of the petitioner considering the public interest involved in the matter.

11. The petitioner humbly submits that it will be the interest of justice to condone the delay short delay in filing the petition of appeal.

P R A Y E R

On the basis of the submissions made above the petitioner most respectfully prays that this Hon'ble Court may be pleased:-

- (i) to pass an order condoning the delay in filing special leave petition to appeal in this Hon'ble Court under Article 136 of the constitution of India against the impugned judgment and order dated 21.8.1991 of the Ld. Central Administrative Tribunal Hyderabad Bench at Hyderabad in O.A.No.27/1990.
- (ii) to pass any other order or ordered as this Hon'ble Court may deem fit.

AND FOR THIS THE PETITIONER SHALL EVER PRAY.

DRAWN BY

FILED BY

(Mrs. Sarla Chandra)
Advocate.

(Anil Katiyar)
Advocate for the petitioners.

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