

(31)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

OA.914/96

dt.19-9-96

Between

A. Nageswar Rao

vs Applicant

and

1. Director  
Defence Research & Dev. Laboratory (DRDL)  
Kanchan Bagh  
Hyderabad 500258

2. District Employment Officer  
Hyderabad Dist. Emp. Exchange (Labour)  
Hyderabad : Respondents

Counsel for the applicant : K. Nageswara Reddy  
Advocate

Counsel for the respondents : V. Rajeswara Rao  
Addl. CGSC

CORAM

HON. MR. JUSTICE M.G. CHAUDHARI, VICE CHAIRMAN

HON. MR. H. RAJENDRA PRASAD, MEMBER (ADMN.)

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OA.914/96

dt.19-9-96

**ORDER**  
**Judgement**

Oral Order (per Hon. Mr. Justice M.G. Chaudhari, VC )

Mr. K. Nageswara Reddy for the applicant. Mr. V. Rajeswara Rao for the respondents.

1. Learned counsel for the applicant has filed a memo for withdrawal of the OA on instructions of the applicant. The learned advocate now orally reiterates that request. The learned standing counsel has no objection.

2. Hence, the following order :

The OA is dismissed as withdrawn. No order as to costs.

Further order

order

(not to be part of the certified/copy of the OA)

Mr. V. Rajeswara Rao, learned counsel for the respondents brings to our notice the fact that the applicant, Mr. A. Nageswara Rao filed a writ petition in the Hon. High Court, Andhra Pradesh, bearing No.WP.15808/96 and has obtained interim orders without withdrawing the instant OA from this Tribunal or disclosing the fact of pendency of the OA in the Tribunal, in the Writ petition. He has produced before us a copy of the writ petition and the interim order dated 13-8-96.

2. The OA was filed in this Tribunal on 30-7-96. It was heard for admission and admitted on 31-7-96. At that time interim relief was refused, and notice was directed to be issued to the respondents and the hearing of the OA was expedited. The relief sought by the applicant is for a direction to the respondents to allow him to appear at the test and interview for the post of Helper and to consider his appointment in the existing vacancies. We found from the copy of the writ petition that very similar relief is sought

therein as the applicant has prayed for a writ or a direction to the respondents to treat him / absorb him as its employee as Helper or in any other category. The respondent in the writ petition is the present Respondent-1. The writ petition obviously seems to have been filed on 4-8-1996 i.e. while the OA was pending and had not been withdrawn. The letter for withdrawal was filed on 18-9-96.

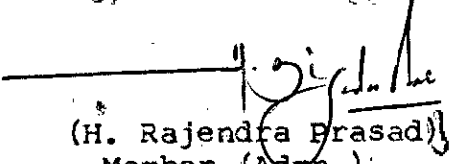
3. The fact that the applicant had not ~~advised~~ <sup>advised</sup> <sup>about pendency of OA</sup> the High Court in writ petition does not concern us. What however, requires us to take notice is the suppression of pendency of the OA in the Tribunal in the writ petition. In paragraph-12 of the affidavit cum writ petition, the applicant has solemnly stated that he has neither <sup>filed</sup> a writ earlier nor initiated any proceedings for the same relief that is sought for in the writ petition. In paragraph-13, he has stated that he has no other effective or efficacious remedy except to seek redressal from the Hon. High Court by invoking its extraordinary jurisdiction under Article 226 of the Constitution. Thus by suppressing the fact of filing the OA and its pendency in this Tribunal, the applicant also moved Hon. High Court for interim order as can be seen from the copy produced.


4. The conduct of the applicant, thus, is grossly improper and we are sure that the present Respondent-1 will bring these facts to the notice of the High Court. More distressing is that the applicant has <sup>the</sup> filed writ petition through a different advocate ~~without~~ <sup>of the</sup> keeping Mr. K. Nageswara Reddy in the dark about filing writ petition through Mr. P.B. Vijaya Kumar, advocate.

5. We are constrained to take <sup>notice of the</sup> ~~analysis~~ of situations in the interests of justice so that the course of justice is

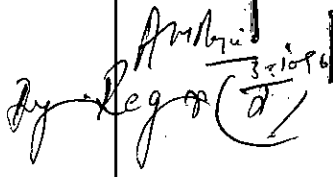
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not <sup>polluted</sup> ~~violated~~, although it is <sup>not strictly</sup> relevant to the order for withdrawal of the OA. We ~~xxx~~, therefore, direct that a notice be issued to the applicant to explain his conduct as <sup>to this Tribunal</sup> has noted above. Returnable within two weeks from the service of the notice.

  
(H. Rajendra Prasad)  
Member (Admn.)

  
(M.G. Chaudhari)  
Vice Chairman

Dated : Sept. 19, 96  
Dictated in Open Court

  
Dy. Registrar  
3-10-96

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Copy to:-

1. Director, Defence Research & Development Laboratory (DRDL), Kanchan Bagh, Hyderabad-500 258.
2. District Employment Officer, Hyderabad District Employment Exchange (Labour), Hyderabad.
3. One copy to Mr.K.Nageswara Reddy, Advocate, 10-3-307/5, Humayun Nagar, Hyderabad-500028.
4. One copy to Mr.V.Rajeshwara Rao, CGSC, CAT, Hyd.
5. One spare copy.
6. one copy to Library, CAT, Hyd.

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I COURT

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE M.G. CHAUDHARI  
VICE-CHAIRMAN

AND

THE HON'BLE MR. H. RAJENDRA PRASAD: M(A)

Dated: 12-9-1996

ORDER / JUDGMENT

M.A./R.A./C.A. No.

in

O.A. No.

914/86

T.A. No.

(w.p.)

Admitted and Interim Directions  
Issued.

Allowed.

Disposed of with directions

Dismissed

Dismissed as withdrawn.

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

pvm

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal  
देवर/DESPATCH

- 7 OCT 1996

हैदराबाद न्यायपीठ  
HYDERABAD BENCH