

FORM NO . 21

(Sec. Rule 114)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH. HYDERABAD.

O.A. No.

984

1997

Ch. Bhupal Red alias Ch. Bhiksham Applicant(s)

Versus

M. S.A. m/o Dfwm, N. Dillidh. Respondent(s)

INDEX SHEET

S.No	Description of Documents & Date	Pages.
1.	Docket orders.	1
2.	Order Interim Order.	
3.	Reply Statement. 27-1-98	20 to 27.
4.	Rejoinder	28 to 31.
5.	Orders in (final orders) 11-8-99.	32 to 41/22

Signature of dealing head
in Record Section.

Signature of S.O.

OD no 984/97

Date	Office Note	Orders
<u>23/7/99</u>		<p>pot the MA no: 894/98 on 26/7/99.</p> <p>HARRN MLO</p> <p>HARRN VC</p>
<u>9/8/99</u>		<p>Less the MA no: 894/98 along with OA on 11/8/99 above admission for order.</p> <p>HARRN MLO</p> <p>HARRN MLO</p>
11-8-99		<p>Heard. order delivered The OA is ordered accordingly. MA 894/98 (Discretion petition) dismissed. order via separate sheets.</p> <p>HARRN MLO</p> <p>HARRN MLO</p>

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH: HYDERABAD.

O A.NO. 984 OF 1997.

Ch. Bhaupal Tond alias Ch. Bhaikud Applicant(s)

VERSUS

Scientific Advisor to Ministry of Defense (Respondent)

New Delhi and another

Date	Office Note	ORDER
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31.7.97.

m.A. 921/97 is
allowed. Register
in G.A. List on Monday.

Ja
HBSJP HRP
MLJ MCA

4-8-97

Heard Mr. Kishore for
Mr. S. Lakshona Reddy for
the applicant and Mr. Vinod
Kumar for the respondents.

Admit.

Ja
HBSJP
MLJ

Ja
HRP
MCA

3.2.99

The matter is directed to be
posted for final hearing on
9.2.99.

Ja
HHP
MCA

Ja
HHP
VC

Admit
Ja
5/8/97

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

ORIGINAL APPLICATION NO. 984 OF 1997

Ch. Bhupal Goud alias
Ch. Bhikusham Applicant(s)

- VERSUS

~~Union of India, Repd. by.~~

1. The Scientific Advisor to H/o Defence DRDO
New Delhi
- auto answer
Respondent(s)

The application has been submitted to the Tribunal by
Shri S. Lakshma Reddy Advocate/
Party-in-Person Under section 19 of the Administrative
Tribunal Act, 1985 and the same has been scrutinised with
reference to the points mentioned in the check list in the
light of the provisions in the Administrative Tribunal
(Procedure) Rules 1987.

The Application is in order and may be listed for
Admission On

HA be listed

Ch 25/7/97
Scrutiny Asst.

DEPUTY REGISTRAR (JUDL)

25/7/97

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH ; HYDERABAD.

Dairy No.

Report in the Scrutiny of Application.

Presented by S. Lakshma Reddy Date of Presentation.

Applicant (s) Ch. Bhupal Goud alias Ch. Bhaskarham

Respondent (s) 1. The Sec. Adviser to M/o. Defence.

Nature of grievance DRDL, New Delhi
Voluntary Retirement

No. of Applicants 1

No of Respondents 2

CLASSIFICATION

Subject Voluntary Retirement of (No. 27) Department Defence (No) 12
DRDL

1. Is the application in the proper form, (three complete sets in paper books form in two compilations.) yes
2. Whether name, description and addressed of all the Parties been furnished in the cause title. yes
3. (a) Has the application been fully signed and verified. yes
(b) Have the copies been duly signed. yes
(c) Have sufficient number of copies of the application been filed. yes
4. Whether all the necessary Parties are impleaded. yes
5. Whether English translation of documents in a language other than English or Hindi been filed. yes
6. Is the application on in time, (See Section 21) yes
7. Has the Vakalatnama/Memo of Appearance/Authorisation been filed. yes
8. Is the application maintainability. (U/S 2, 14, 18, or U/R. 8 etc.) yes
9. Is the application accompanied IPO/DD, for Rs. 50/- yes
10. Has the impugned orders Original, duly attested legible copy been filed. yes

P.T.O.

11. Have legible copies of the annexure duly attested been filed. *ym.*
12. Has the applicant exhausted all available remedies. *ym.*
13. Has the Index of documents been filed, and pagination done properly. *ym.*
14. Has the declaration as required by item No. 7 of form, I been made. *ym.*
15. Have required number of envelopes (file size) bearing full addresses of the respondents been filed. *ym.*
16. (a) Whether the relief sought for, arise out of single cause of action. *ym.*
(b) Whether any interim relief is prayed for. *ym.*
17. In case an MA for condonation of delay in filed, is it supported by an affidavit of the applicant. *ym.*
18. Whether this case be heard by single Bench.
19. Any other Point.
20. Result of the Scrutiny with initial of the Scrutiny clerk.

May be filed

6/9/92
Scrutiny Assistant.

25/1/92

Section Officer.

Deputy Registrar.

Registrar.

CENTRAL ADMINISTRATIVE TRIBUNAL - HYDERABAD BENCH, HYDERABAD

INDEX SHEET

O.A. NO. 984 of 1997.

CAUSE TITLE Ch. Bhanuprasad and others - Ch. Bhanuprasad

V. S. U. S.

Scientific Advisor to Ministry of Defence
New Delhi and another

SL. NO.	Description of documents	Page No.
1.	Original application	1 to 8
2.	Material Papers	9 to 16
3.	Vakalat	1
4.	Objection Sheet	1
5.	Spere Copies 2 (Two),	2
6.	Covers 2 A	2

T. Reply statement filed by M. V.
Kishore Kumar on 27/1/98

To declare the action of the respondent is not
allowing the applicant to withdraw the voluntary
retirement

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : AT HYDERABAD

Voluntary Retirement
(27)

BBENCH

बेच केस/BENCH CASE

OA No. 984 of 1997

Defence (12)
DRDL

Between:

Ch. Bhupal Goud alias
Ch. Bhikusham

वका/DEFENCE
...Applicant

A N D

The Scientific Advisor to
Ministry of Defence, & DG, DRDO,
Govt of India, New Delhi
and another.

..Respondents

CHRONOLOGICAL STATEMENT
OF EVENTS

<u>Sl. No.</u>	<u>Date</u>	<u>Events</u>
1.	2.1.78	The applicant was placed under suspension.
2.	18.8.79	The applicant was removed from service.
3.	21.9.81	WP No.5028/81 was allowed.
4.	7.10.93	T ⁿ No.20/91 was finally heard and the Hon'ble Supreme Court set aside the removal order.
5.	29.12.93	The applicant was reinstated into service.
6.	2.2.94	The applicant reported for duty.
7.	2.5.7.94	On his application for voluntary retirement, the applicant was relieved from duties.
8.	19.2.96	The applicant made representation to settle his pension and other terminal benefits.
9.	2.3.22.96	The respondents replied.
10.	29.11.96	The respondents requested the applicant to submit pension papers duly signed in the name of Ch. Bhikusham

10. 29.11.96
H. L. Deyaraj
Sr. Clerk

Submitted to:

Hyderabad

Dated: 13.3.97

COUNSEL FOR THE APPLICANT



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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : AT HYDERABAD

OA No. 984 of 1997

Between:

Ch. Bhupal Goud alias
Ch. Bhikusham

.. Applicant

A N D

The Scientific Advisor to
Ministry of Defence & DG, DRDO,
Govt of India, New Delhi
and another.


.. Respondents

MATERIAL INDEX

<u>Sl. No.</u>	<u>Documents relied upon</u>	<u>Page No</u>	<u>Ann Ex</u>
1.	Original Application	1-8	
2.	Representation of the applicant dated 19.2.96.	9810	I
3.	Reply of the respondents dated 23.2.96.	11812	II
4.	Letter of the respondents dated 29.11.96.	13	III
5.	Judgment in OA No. 467/87 dated 21.8.87.	14046	IV
6.	Copy of the A.P. Gazette No. 8 dated 19.2.87.		V

Hyderabad

Dated: 13.3.97


COUNSEL FOR THE APPLICANT

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :

HYDERABAD BENCH : AT HYDERABAD

APPLICATION FILED UNDER SECTION 19 OF THE
ADMINISTRATIVE TRIBUNALS ACT

FOR USE IN TRIBUNAL'S OFFICE:

Date of filing:

Date of receipt
by post:

Registration:

Signature
Registrar

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH : AT HYDERABAD

OA No. 984 of 1997

Between:

Ch. Bhupal Goud alias Ch. Bhikusham,
S/o Ayodhya, aged about 48 years,
Photographer Grade. II,
Defence Research and Development
Laboratory, Chandrayangutta,
Hyderabad, R/o Hyderabad.

...Applicant

A N D

1. The Scientific Advisor to
Ministry of Defence &
Director General, Defence
Research and Development Organisation,
Directorate of Personnel,
DHQ PO, New Delhi.

2. The Director, Defence Research
and Development Laboratory,
Kanchanbagh, Hyderabad.

...Respondents

DETAILS OF APPLICATION:

1. Particulars of the applicant:

a) Name of the Applicant: Ch. Bhupal Goud alias
Ch. Bhikusham,

b) Name of the father : Ayodhya

c) Designation & : Photographer Grade. II
Office in which employed: Defence Research and
Development Laboratory,
Hyderabad.

- d) Office Address : DRDL, Hyderabad
- e) Address for service of : Mr. S. Lakshma Reddy, Advocate,
all notices etc : 102, Premier Plaza Apartments,
Behind water Tank,
Narayanguda, Hyderabad.

2. Particulars of the respondents:

The particulars and addresses of the respondents for the purpose of service of notices etc are the same as given in the above cause title.

3. Particulars of the order against which this application is made:

- a) Order No: ~~Nil~~ DRDL/1175/CMB/A
- b) Date: ~~Nil~~ 2-9-11-96
- c) passed by: ~~Nil~~ D and Respondent
- d) Subject in brief: Aggrieved by the action of the respondents in not processing the pension papers submitted by the applicant and pay the pension and other terminal benefits on accepting his application for voluntary retirement from 25.7.1994, onwards and also not allowing the applicant to withdraw the voluntary retirement application by the proceedings of the respondents dated 23.2.1996 and 29.11.1996, this OA is filed.

4. Jurisdiction:

The applicant declares that the subject matter of the order against which he seeks redressal is within the jurisdiction of the Tribunal under section 14 of Administrative Tribunals Act, 1985.

5. Limitation:

The applicant further declares that the application is within the limitation prescribed in section 21 of the Administrative Tribunals Act, 1985.

6. FACTS OF THE CASE:

6.1. The applicant while working as Photographer Grade.II and acting as Vice-President of the Defence Research and Development Laboratory Employees Union, was placed under suspension by order dated 2.1.1978 on the ground that he has taken an active part in the illegal strike within the premises of the Defence Research and Development Laboratory on 30.12.1977 and 31.12.1977 and also instigated other employees to go on strike etc.. Subsequently, the applicant was removed from service by the order dated 18.8.1979. The applicant has filed a writ petition before the Hon'ble High Court of Andhra Pradesh in WP No.5028/1981. The Hon'ble High Court was pleased to allow the writ petition on 21.9.1981 but however, the Hon'ble High Court granted leave to the respondents to prefer an appeal to the Hon'ble Supreme Court of India. The Hon'ble Supreme Court of India directed the respondents to pay the salary and allowances to the applicant, which he was drawing as on the date of his suspension with effect from 15.11.1983. It also gave liberty to the respondents to avail the services of the applicant. The Hon'ble Supreme Court of India has finally allowed the appeal and reminded the matter to be disposed by the Hon'ble Central Administrative Tribunal. The writ petition was numbered as TA No.20/1991. The said transfer application was finally heard and disposed of by the Hon'ble Central Administrative Tribunal by setting aside the removal order on 7.10.1993 and reminded the matter back to the disciplinary authority for fresh consideration in regard to the punishment. The respondents have reinstated the

the applicant by order dated 29.12.1993 with a punishment of censure. The applicant has reported for duty on 2.2.1994. Thereafter the applicant has submitted an application for voluntary retirement and the same was accepted by the respondents and relieved the applicant with effect from 25.7.1994. When the respondents were not processing and finalising the pension and other terminal benefits of the applicant, the applicant has made a representation on 19.2.1996 to permit him to withdraw the voluntary retirement and requested the respondents to treat the period from the date the applicant was relieved i.e., from 26.7.1994 to 19.2.1996 by granting leave due to him followed by Extra-ordinary Leave, if necessary. He has also requested the respondents to extent the same benefit, which was granted to one Mr. P.V. Rao, Chief Draughtsman, who was allowed the benefit to withdraw his voluntary retirement after acceptance. The respondents have promptly replied through letter dated 23.2.1996 rejecting the said request and stated in the same that the applicant has submitted his pension papers showing his name as Ch. Bhupal Goud instead of Ch. Bhikusham and as per the records, his name is to be shown as Ch. Bhikusham and not as Ch. Bhupal Goud. They have further referred that the orders of the Court in OA No. 467/87 dated 29.9.1987 and the change of name published in the Andhra Pradesh Gazetted No. 8 dated 19.2.1987 has no significance to them unless the applicant shows them a copy of the rule position for change of name. The respondents vide letter dated 29.11.1996 again requested the applicant to submit the pension papers duly signed in the name of Ch. Bhikusham instead of

8-5

Ch. Bhupal Goud alias Bhikusham for processing of the pension papers.

6.2. The applicant further submits that the respondents are acting unfairly and arbitrarily. The applicant's name was already changed and the same was already brought to the notice of the respondents even by the orders of the Hon'ble Central Administrative Tribunal in OA No. 467/87 in which the same objection was raised and the Hon'ble Tribunal has clarified the same. The respondents' raising the same objection again and directing the applicant to submit a non-existent name in the place of the name of the applicant i.e., Ch. Bhupal Goud to process the pension papers is highly technical and unfair attitude and action on the part of the respondents, infringing upon the right of the applicant to personal dignity and right to live.

6.3. The applicant further submits that when the respondents have not granted the pension and other terminal benefits promptly, and there was an abnormal delay the applicant has a protest against the attitude of the respondents and also on reconsideration has requested the respondents to allow him to withdraw the voluntary retirement and take him to service as was done in the case of one Mr. P. V. Rao. But the respondents have promptly replied stating that it is not permissible as per the existing rules. It is submitted that the respondents could not have acted in one standard in the case of Mr. P. V. Rao and another standard in the case of the applicant in acting as per the existing rules. Hence, the applicant submits that the respondents are acting arbitrarily unfairly and unreasonably showing a hostile attitude towards the applicant, ~~while~~ in granting the benefit

of withdrawal voluntary retirement or in granting the pension and other terminal benefits.

6.4. It is further submitted that the action of the respondents in insisting upon the applicant to submit the papers in the name of Ch.Bhikushan instead of Ch.Bhupal Goud alias Bhikusham, even after change of name published in the A.P.Gazette dated 19.2.1987 is totally arbitrary, illegal, without jurisdiction and violative of articles 14 and 21 of the Constitution of India.

7. Reliefs Sought:

In view of the foregoing facts and circumstances, the applicant prays for the following reliefs:

The Hon'ble Tribunal may be pleased to declare the action of the respondents in not allowing the applicant to withdraw the voluntary retirement, as was done in the case of one Mr. P.V.Rao and not processing the pension and other terminal benefits as totally illegal, arbitrary and without jurisdiction violative of articles 14, 16 and 21 of the Constitution of India and consequently direct the respondents to treat the applicant as in service with all consequential benefits and pass such other and further order or orders as may be deemed fit and proper in the circumstances of the case.

8. Interim relief:

Pending the above OA, it is prayed that the Hon'ble Tribunal may be pleased to direct the respondents to take the applicant into service and be pleased to pass such other and further order or orders as may be deemed fit and proper in the circumstances of the case.

10. Matters not pending with any other court etc: The applicant further declares that the matter regarding which this application has been made is not pending before any court of law or any other authority or any other Bench of the Tribunal.

a0 Number of IPO: 812679009

c) Date of issue of IPO: 06/04/2008 50/

d) Post office at which payable: CPO H-12, Sol-A

12. Details of index: An index in duplicate containing the details of the documents to be relied upon is enclosed.

13. List of enclosures: The entire list of enclosures is filed as material index duly indexing them.

I, Ch. Bhupal Goud alias Ch. Bhikusham, aged about 48 years, Photographer, Grade. II, DRDL, Hyderabad, R/o Hyderabad, do hereby verify that the contents of paras 1 to 13 are true to my personal knowledge and belief and state that I have not suppressed any material facts.

Hence, verified on this the 21st day of April,
1997 at Hyderabad.

Donko

COUNSEL FOR THE APPLICANT

Signature of the
Applicant

 $2\frac{1}{4}$

~~ANTI~~ 9/11

To ..

The Director,
D.R.D.L.,
Hyderabad.

Sir,

Sub:- Withdrawal of Voluntary Retirement due to
non-settlement of Pensionary benefits.

I, would like to submit the following for your kind
consideration and favourable orders:-

1. I have been reinstated into service by the orders of
CAT, Hyderabad w.e.f. /2-12-87. After joining duty I have
applied for Voluntary Retirement and the same was accepted
by the Competent Authority and I have been relieved of my
duties w.e.f. 25-7-1994(A/N). But even today my terminal
benefits were not paid and pension fixed. There is an
inordinate delay in fixing my pension. I have been waiting
for all these days that my terminal benefits will be paid
and my pension will be fixed.

2. Now I would like to submit that I had won the case in
Hon'ble Supreme Court and the government has been directed to
give me all consequential benefits including monetary benefits.
In addition to this I would like to submit that I have been
going on representing that my name may be changed as "Ch.
Bhupal Goud" instead of "Ch.Bhikusham" in the light of the
orders of the CAT, Hyderabad in O.A.No.467/87 dated 29-9-87.
The office has not affected the change of name and this also
a cause for the delay in finalisation of my terminal benefits.
At the outset payment of my pensionary benefits and fixation
of pension has been delayed inordinately.

... 2/-

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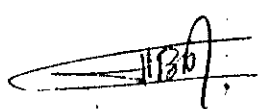
3. In view of the fact that my pension papers were not initiated even today as ascertained from the office, and also in view of the latest orders of the Hon'ble Supreme Court of India giving me all consequential benefits, I would like to withdraw my voluntary retirement from 20-2-1996 and request you to take me on duty w.e.f. the same date. The intervening period from 26-7-1994 to 19-2-1996 may please be regularised by grant of leave due followed by EOL if necessary. In this connection I would like to mention that in the case of one Shri P.V.Rao, Chief D'man has been allowed to withdraw his voluntary retirement after its acceptance and due intimation given to the individual. Hence I request you to kindly allow me to withdraw my voluntary retirement w.e.f. 20-2-1996 and oblige.

Thanking you,

Yours faithfully,

Station: HYDERABAD

Date: 19-2-1996.


(CH. BHUPAL GOUD alias BHIKUSHAM)

Address

Ch. Bhupalgoud, Alias. (Bhikusham)

Flat no. 405 - Sai Vishnu Apartments
Badam gully : Gagan Mahal Road
Domal gudda.

Hyd bad - 500029,

Phone no. 635479.





File No: 229021/5160

Grans: MISLAB

BY REGD. POST. ACK. DUE

No. DRDL/1175/CMB/A

Govt. of India,

Min of Defence,

Research & Development

Organisation, DEFENCE RESEARCH

AND DEVELOPMENT LABORATORY,

PO: KANCHANBAGH,

HYDERABAD 500 058.

To

Dated: 23 Feb. 1996.

Shri CH Bhikusham,
Flat No. 405, Sai Vishnu Apartments, Badam gally,
Gaganmahal Road, Domalguda,
HYDERABAD 500 029.

Sub:- WITHDRAWAL OF VOLUNTARY RETIREMENT DUE TO NON-
SETTLEMENT OF PENSIONARY BENEFITS.

Ref:- Your application dated 19.02.96.

With reference to your application dated 19.02.96, on the
above subject, the following facts are brought to your notice:-

- a) Consequent on the acceptance of voluntary retirement, as requested for by you, you were relieved from Government Service w.e.f. 25.07.94 and the same was communicated to you vide our letter of even No. dt. 21.09.94. You were also advised to come to this office to submit pension papers for processing your case for pensionary benefits. Subsequently, two more reminders were sent to you on 31.01.95 and 25.09.95 in addition to frequent telephone calls (PH.No.630479). When you came to this office in the month October '95, the blank forms towards your pension claim were handed over to you with an advice to submit the papers in the name of "CH BHIKUSHAM" i.e. the name existing as per our records. Since the pension papers, duly filled in all respects, have not been received in this office even after issue of reminders, your case for pensionary benefits could not be processed further. Your indication that inordinate delay is happened in your case, cannot be accepted by us due to the non-submission of papers by you.
- b) You have mentioned in your application that your name has been changed as "CH BHUPAL GOUD" instead of "CH BHIKUSHAM" as per the orders of the CAT Hyderabad in OA No.467/87 DT. 29.9.87. You have also mentioned that your pension case was not finalised at our end by not effecting the change of name and hence the delay. In this connection, it is brought to your notice that the orders of the CAT had given directions only for furnishing a non-employment certificate to this office to disburse amounts due to you and not for change of name. As regards the procedure for change of name, you were already advised to complete the required formalities with a copy of rule position when you came to this office. Even in the latest CAT Judgement vide TA No.20/91 Dt. 7.10.93, at the time of your re-instatement into service, your name was mentioned as only "CH BHIKUSHAM" and not as "CH BHUPAL GOUD" and accordingly your name was being shown as "CH BHIKUSHAM".

Tig

PHONE : 239021/3157

GRAMS: MISLAB

BY REGD. POST ACK.DUE

NO:DRDL/1175/CHB/A
GOVERNMENT OF INDIA
MINISTRY OF DEFENCE
R&D ORGANISATION
DEFENCE RESEARCH & DEVELOPMENT
LABORATORY, PO:KANCHANBAGH
HYDERABAD - 500 058

DATED: 28th NOV 1996

To

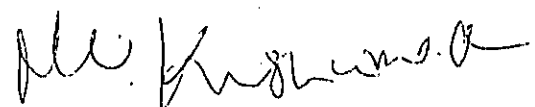
Shri CH BHIKUSHAM
Flat No.405, Sai Vishnu Apartments,
Badam gally, Gaganmahal Road
Domalguda, HYDERABAD - 500 029

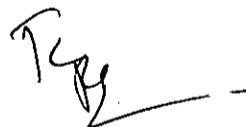
Subject:- GRANT OF PENSION

Reference:- Our letter No.DRDL/1175/CHB/A dated:
23 Feb 1996

Kindly refer our letter cited under reference, wherein this office has already intimated regarding your withdrawal of voluntary Retirement from 20-2-96 and also requested to submit the pension papers duly signed in the name of CH BHIKUSHAM instead of "CH BHUPAL GOUD alias BHIKUSHAM" for onward transmission to CCDA (P), Allahabad.

Due to non-submission of pension papers in the name of "CH BHIKUSHAM", this office could not submit your pension case to CCDA (P), Allahabad. It is therefore, once again advised to submit the papers without further delay to enable this office to process your pension case.


(MVK CHARY)
Administrative Officer
for DIRECTOR



The above applications for directions again being called on for hearing before this court on 14th November, 1983. Upon hearing counsel for the parties, this court doth pass the following order:

" We clarify our order dt. 2nd May, 1983 (passed in application for direction filed in Civil Appeal No. 1206 of 76 entitled Director Defence Research and Development Laboratory, Hyderabad Versus C.Pandu etc.) by saying that the current salary will be taken to mean that salary and allowance which were available to the respondent on the date of his suspension subject to the benefit of correspondent scales of pay as on this day. That scale of pay will be given to them.

This application has been filed before this Tribunal that this Tribunal has to execute the decree of the Supreme Court. The applicant states that he changed his name from Ch. Bhikusham to Ch. Ehoopal Goud, that he got the change notified in the A.P. Gazette No. 8 of 19-2-87 and that he had intimated the Department about the change of his name. Consequently, the complaint is that the Department has not paid the pay and allowances due to him as per the Supreme Court's Orders, from May, 1983 onwards. The Learned Counsel for the Department submits that due to an audit objection in regard to his furnishing of non-employment certificate in his new name, the payment has not been made. In the circumstances, we direct that the applicant will furnish a non-employment certificate indicate his former name and the present name with his signatures with both the names to the authorities concerned and the Department will disburse the amounts due to him as per the Supreme Court's decisions.

2. As to the jurisdiction of this Tribunal for admitting this case, Sri G.Parameswara Rao appearing on behalf of the Sri. K.Jagannadha Rao, CGSC. (for the Respondents) contended that this Tribunal is not the proper forum for execution of the orders of the Supreme Court and that the applicant has to approach the Supreme Court only in the form of Contempt. Admittedly, but for the constitution of this Tribunal under the provisions of the Administrative Tribunals Act, 1985, the High Court from which the appeal has been preferred and the courts subordinate thereto would have had to enforce orders of the supreme Court, Vide order 13 Rule 6 of the Supreme Court Rules. Since the High Court and the subordinate courts cease to have jurisdiction in regard to Civil Posts under the Union after the Administrative Tribunals Act, 1985 has come into force,



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~~ANILU~~

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD.

MONDAY THIRTY FIRST DAY OF AUGUST
ONE THOUSAND NINE HUNDRED AND EIGHTY SEVEN.

: PRESENT :

THE HON'BLE MR. D.N. JAYASIMHA : VICE CHAIRMAN.

AND

THE HON'BLE MR. D.SURYA RAO : MEMBER.

ORIGINAL APPLICATION No. 467 of 87

between:

Ch. Bhupal Goud alias Ch. Bhiksham.

and

The Director, Defence Research & Development
Laboratory, P.O. Kanchanbagh, Hyderabad - 258.

.. Respondents.



Application under section 19 of the Administrative Tribunals Act, 1985 praying that in the circumstances stated therein the Tribunal will be pleased (i) to set aside the order No. DRDL/322/CHB/A dated 6-7-1987 to take the applicant on duty with all consequential benefits, and (ii) to pass such other order or orders as are deemed fit and proper.

This application coming on for final hearing upon perusing the application and upon hearing the arguments of Mr. R. Kameswara Rao, Advocate for the applicant and of Mr. G. Parameswar Rao, for K. Jagannadha Rao Sr. CGSC on behalf of the Respondents.

The Tribunal made the following Order:-

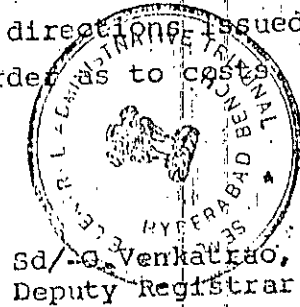
The applicant herein is an employee of the D.R.D.L. Kanchan Bagh, Hyderabad, in whose case, the Supreme Court has passed the following order on 11/14th November, 1983, in Civil Misc. Petitions Nos. 34355-53 of 1983 in Civil Appeals Nos. 2772/81, 316/81, 2168/82, 3023/82, 1693/81, 1213-14/80, 1217/80, 1215-16/80, and 1882-83/81:

" Pending the hearing and final disposal of the appeals, the appellants shall pay salary and allowances to the respondents which they were drawing on the date of their suspension with effect from November 15, 1983. If the appellants want to avail the services of the respondents, they will be at liberty to do so, but in that case the respondents will not decline to join the service. If they decline, they will of course not be entitled to any salary and allowance. In passing the order we have taken into account the statement made by the respondents that they are not gainfully employed anywhere else. The order dt. Mar 2, 1982 is clarified to the extent that the words "current salary" will be taken to mean the salary and allowance which the respondents were drawing on the date of their suspension."

Tcy

the only authority such employees can approach is the Central Administrative Tribunal. We accordingly hold, following the decision of the Supreme Court, that this Tribunal is competent to admit applications for execution of the orders of the Supreme Court.

3. The application is disposed of with the directions issued supra to the Respondents. There will be no order as to costs.



//True copy//

T. N. Reddy
Section Officer (J)

To

1. The Director, Defence Research & Development Laboratory, P.O. Kanchanbagh, Hyderabad - 500 258. A.P.,
2. One copy to Mr. R. Kameswara Rao, Counsel for applicant. H.No. 2-2-1144/12/D. New Nallakunta, Hyderabad - 44.
3. One copy to Mr. K. Jagannadha Rao, Sr. CGSC.
4. One spare copy.

pvm

TCR

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH.

O.A. REGD. NO

1343/97

Date: 29.4.97

To: S. Lakshma Reddy

Sir,

I am to request you to rectify the defects mentioned below in your application within 14 days from the date of issue of this letter, failing which your application will not be registered and action under Rule 5 (4) will follow.

- 1). Paragraph (7) Relief at Page 6 has got TWO sheets with different reliefs.
Please rectify in

Copy to
Mr. Justice
Bhaskar

15-5-97
15-6-97
15-7-97
20


DEPUTY REGISTRAR (JUDL)

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH.

O.A. REGD. NO. 1343/97

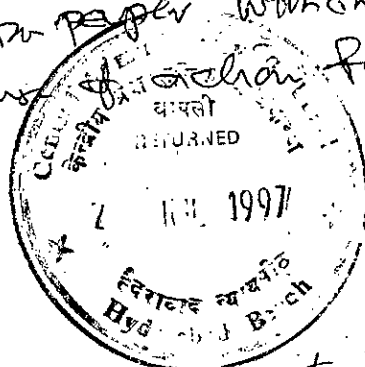
Date: 24.7.97.

To Mr. S. Lakshma Reddy, Adv.
Sir,

I am to request you to rectify the defects mentioned below in your application within 14 days from the date of issue of this letter, failing which your application will not be registered and action under Rule 5 (4) will follow.

- 1) Para 3 is kept blank. What went into order dt. 23.2.96?
- 2) As per the order dt. 23.2.96 how the OA is in limbo?

The letter dt. 29.11.1996 directed an applicant to file person paper without any change of name is the last cause of objection for an OA. Hence it is within his



Sd/- Mr.
24.7.97

for the. The prayer to treat an applicant in service is only consequent to a declaration prayed with regard to unreasonable and illegal action of respondents in not allowing an applicant to withdraw the voluntary and not possess person papers - hence there is no relief & no relief is prayed.

Sd/- Mr.
25.7.97.

DEPUTY REGISTRAR (JUDL)

24/7/97

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD

O.A.NO. 984 OF 1997

Between:

Ch Bhupal Goud Alias Ch. Bhikusham.Applicant.

A n d

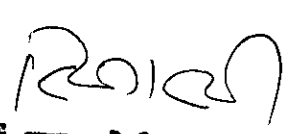
The Scientific Advisor to Ministry
of Defence & Director General, Defence
Research and Development Organisation,
Directorate of Personnel, DHQ PO,
New Delhi and another.Respondents.

REPLY STATEMENT FILED ON BEHALF OF THE RESPONDENTS

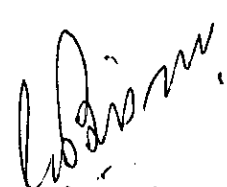
I, N.C.Biswas son of late Shri M.N.Biswas, aged about 54 years, Occupation Government Service, resident of Defence Lab Quarters, Kanchanbagh, Hyderabad do hereby solemnly affirm and state on oath as follows:

1. I am working as Chief Administrative Officer in Defence Research and Development Laboratory, Kanchanbagh, Hyderabad as such I am well acquainted with the facts of the case. I am filing this Counter affidavit on behalf of respondents as I have been authorised to do so.


2. In reply to para 6 of the O.A. it is true that the applicant has made an application dated 3-5-1994 for Voluntary retirement from service w.e.f., 25-8-1994. The appointing authority has accepted the request of the applicant and he was relieved of his duties w.e.f. 25-7-1994 and the same was communicated to the applicant vide this Office letter No.DRDL/1175/CHB/A dated 21-9-1994 advising him to come to the Office to enable the 2nd respondent office to process the

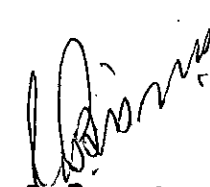
Attested

डी. आर. जोशी
D. R. JOSHI

वरिष्ठ प्रशासनिक अधिकारी-I
Senior Administrative Officer-I,
र.अ.वि.प्र., हैदराबाद-500 258.
D.R.D.L., Hyderabad-500 258


एन. सी. बिसवास
N. G. BISWAS
मुख्य प्रशासनिक अधिकारी
Chief Admin. Officer
र.अ.वि.प्र. हैदराबाद-058,
D.R.D.L. HYD-058,

Pension/Gratuity papers to CDA(Pension), Allahabad. This Letter was addressed to the applicant by registered post with ack. due. The applicant has not responded to this letter and he has not reported to 2nd respondents office for submission of Pension Papers. The 2nd respondent has sent one more letter dated 31-1-1995 reminding the applicant to call on to this office immediately to enable us to process the Pension/Gratuity papers. Again the 2nd respondent has issued one more reminder to the applicant on 25-9-1995 advising him to come and submit the pension papers for onward transmission to CDA (Pensions) Allahabad. Inspite of these 3 reminders the applicants has not responded and not submitted any papers to the 2nd respondent office for processing his pension papers to appropriate authorities. In the month of October, 1995 the applicant came to the 2nd respondent's Office and collected blank Pension/nomination forms. Subsequently he submitted the pension papers with family photographs without filling the same and by mentioning his name as Ch Bhupal Goud alias Ch Bikshum to the 2nd respondent's office. Suddenly on 19-2-1996 the applicant submitted an application to the 2nd respondent stating that he would like to withdraw his Voluntary Retirement application due to non-settlement of Pensionary benefits. On 23-2-1996 the 2nd respondent Office has intimated the applicant rejecting the request made by him and advised him to submit his pension papers in the name of CH BIKSHUM. On 29-9-1996 one more reminder was sent to the applicant for submission of Pension papers completed

Attestation

 श्री. वार. जोशी
 D. R. JOSHI
 सहायक प्रशासनिक अधिकारी-1
 Senior Administrative Officer-1
 ए.अ.वि.प्र., हैदराबाद-500 258.
 D.R.D., Hyderabad-500 258


 एन. सी. बिसवास
 N. C. BISWAS
 मुख्य प्रशासनिक अधिकारी
 Chief Admin. Officer
 ए.अ.वि.प्र. हैदराबाद-058.
 D.R.D., HYD-058.

in all respects to process the same to CDA (P), Allahabad without any further delay. Inspite of issuing of these 2 reminders also the applicant has not submitted his pension papers.

4. In reply to para 6.2 of the O.A. it is submitted that it is not true that the Hon'ble CAT, Hyderabad in its order dated 31-8-87 in O.A.No.467/87 has clarified his change of name. As per the statement of the applicant the Hon'ble CAT, Hyderabad directed the applicant to submit his non-employment certificate by indicating the existing name i.e., the name recorded in the Service Book and the name which he wishes to change. It is also not true that respondents have raised objection directing the petitioner to submit a non-existing name to process the pension papers. The judgement itself will speak what it contains.

5. In reply to para 6.3 of the O.A it is submitted that it is not true that the respondent not granted pension and other terminal benefits promptly and there was an abnormal delay. The delay in finalising the pension and terminal benefits is attributable only to the applicant as the stand taken by the petitioner that his name has been changed and he has not submitted his pension papers inspite of repeated reminders. The petitioner has quoted the case of one Mr. P.V. Rao of 2nd respondent Organisation. The case of Shri P.V. Rao cannot be compared with this case, because Shri P.V. Rao has withdrawn his Voluntary Retirement Letter well in advance i.e., before his date of voluntary retirement. Reference is invited to the

रिजिस्ट्री
श्री. आर. जोशी

D. R. JOSHI

वरिष्ठ प्रशासनिक अधिकारी-I
Senior Administrative Officer-I
र.अ.वि.प्र., हैदराबाद-500 258.
D.R.D.L., Hyderabad-500 258

एन. सी. बिसवास

N. C. BISWAS

मुख्य प्रशासनिक अधिकारी

Chief Admin. Officer

र.अ.वि.प्र. हैदराबाद-058.

D.R.D.L., HYD-058.

Judgement of the Hon'ble Suprem Court in State of Haryana vs Ram Kumar Mann reported in 1997 (II) LLJ 1039, A photocopy of the report is annexured in annexure R-I.

6. It may also be relevant to mention that as per the orders of the Hon'ble CAT, Hyderabad vide its Judgement dated 7-10-1993 in T.A.No.20/91 the petitioner was reinstated into service w.e.f., 12-12-1993. Since then he reinstated into service he has not attended his duties properly and the petitioner was reinstated into service w.e.f., 12-12-1993 and he has gone on voluntarily retirement from service i.e., on 25-7-1994. During the 8 months period he was in service after reinstatement. he attended to office only 3 months, remaining 5 months he was on leave. By seeing this the Hon'ble CAT can assess the devotion to duty of the petitioner. Moreover the Disciplinary Authority is having his discretion to accept the withdrawal application or reject the same and not at all chanllengable as per the existing rules. The petitioner cannot compare with other employees whose applications for withdrawal of voluntary retirement was accepted by the competent authority.

7. All averments not expressly admitted herein above are thereby denied for the reasons stated above, the applicant has not made out any case either on facts or on law and there is no merit in the OA. it is therefore prayed that this Hon'ble Court may be pleased to dismiss the O.A. with costs and pass such

डिजाय
श्री. आर. जोशी

D. R. JOSHI

वरिष्ठ प्रशासनिक अधिकारी-1
Senior Administrative Officer-I
र.अ.वि.प्र., हैदराबाद-500 258.
D.R.D.L., Hyderabad-500 258

एन. सी. बिसवास

N. C. BISWAS

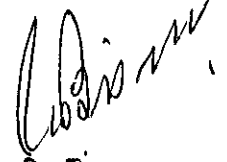
मुख्य प्रशासनिक अधिकारी
Chief Admin. Officer

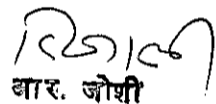
र.अ.वि.प्र. हैदराबाद-058.
D.R.D.L., HYD-058.

: 5 :

further and other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Solemnly affirmed this the
22 day of December 1997
and signed his name before me.

24

DE ~~सुप्रीम कोर्ट~~ विसवात
N. G. BISWAS
मुख्य प्रशासनिक अधिकारी
BEFORE ADM. Officer
र.अ.वि.प्र. हैदराबाद-058,
D.R.D.L, HYD-058,


श्री. वार. जोशी
D. R. JOSHI
वरिष्ठ प्रशासनिक अधिकारी-I
Senior Administrative Officer-I
र.अ.वि.प्र., हैदराबाद-500 258.
D.R.D.L., Hyderabad-500 258

ORDER

This appeal by special leave arises from the judgment of the Division Bench of the Punjab & Haryana High Court, made on August 10, 1984 in CWP No. 1154/84.

2. The admitted facts are that the respondent, while working as a Small Pox Supervisor in the Health Department, had tendered his resignation on April 23, 1982 to contest the election as a Member of the State Legislative Assembly. His resignation was accepted on May 18, 1982. He contested the election but was defeated. Thereafter, he filed an application on May 21, 1982 withdrawing his resignation. That was dismissed. Consequently, the respondent filed the aforesaid writ petition in the High Court. The High Court observed that since three similarly situated persons, viz., Gurbajan Singh, Daryao Singh and Smt. Sumitra Devi were allowed to withdraw their resignations were appointed in the respective posts held by them, the failure to extend similar benefit to the respondent would be violative of Article 14. Therefore, it directed the appellant to reinstate him into service with consequential benefits.

3. The question, therefore, is: whether the view taken by the High Court is correct in law? It is seen that the respondent had voluntarily resigned from the service and the resignation was accepted by the Government on May 18, 1982. On and from that date, the relationship of employer and the employee between the respondent and the State ceased and thereafter he had no right, whatsoever, either to claim the post or a right to withdraw his resignation which had already become effective by acceptance on May 18, 1982. It may be that the Government for their own reasons, given permission in similar

cases, to some of the employees mentioned earlier, to withdraw their resignations and had appointed them. The doctrine of discrimination is founded upon existence of an enforceable right. He was discriminated and denied equality as some similarly situated persons had been given the same relief. Article 14 would apply only when invidious discrimination is meted out to equals and similarly circumstanced without any rational basis or relationship in that behalf. The respondent has no right, whatsoever and cannot be given the relief wrongly given to them, i.e., benefit of withdrawal of resignation. The High Court was wholly wrong in reaching the conclusion that there was invidious discrimination. If we cannot allow a wrong to perpetrate, an employee, after committing misappropriation of money, is dismissed from service and subsequently that order is withdrawn and he is reinstated into the service. Can a similar circumstanced person claim equality under Section 14 for reinstatement? Answer is obviously 'No'. In a converse case, in the first instance, one may be wrong but the wrong order cannot be the foundation for claiming equality for enforcement of the same order. As stated earlier, his right must be founded upon enforceable right to entitle him to the equality treatment for enforcement thereof. A wrong decision by the Government does not give a right to enforce the wrong order and claim parity or equality. Two wrongs can never make a right. Under these circumstances, the High Court was clearly wrong in directing reinstatement of the respondent by a *mandamus* with all consequential benefits.

4. The appeal is accordingly allowed. But in the circumstances without costs.

IN THE SUPREME COURT OF INDIA
(C.A.No.27/1985 dated February 20, 1997)

PRESENT

MR. JUSTICE K. RAMASWAMY
MR. JUSTICE S. SAGHIR AHMAD

26

DATE: 24 NOV 1997
D.A. NO. 24
DEFENCE RESEARCH & DEV
LABORATORY, HYDERABAD

Between

State of Haryana and Others

And

Ram Kumar Mann.

*Refusal of reinstatement upon withdrawal of resignation tendered by employee and duly accepted
That other employees' resignations were allowed to be withdrawn could not found a plea of
discrimination and violation of Article 14 of the Constitution.*

HELD: The writ petitioner was an employee who had tendered his resignation in order to contest the election as a member of the Legislative Assembly, and the resignation had in due course been accepted. The employee, having got defeated in the election, sought reinstatement, through a writ petition on the ground that three other similarly situated persons had been allowed to withdraw their resignations and were reappointed in the respective post held by them. On the writ petition being allowed by the High Court, the present appeal was filed by the employer, the State of Haryana. The Supreme Court, while allowing the appeal observed that the doctrine of discrimination was founded upon the existence of an enforceable right. The respondent had no

right whatsoever and could not be given the relief wrongly given to three others, i.e. benefit of withdrawal of resignation. A wrong decision by the Government did not give a right to enforce the wrong order and claim parity and equality. Two wrongs could never make a right. Under these circumstances the High Court was clearly wrong in directing the reinstatement of the respondent.

(Para 3)

Appeal allowed.

For Appellants :

Jasbir Malik for

Prem Malhotra.

For Respondent :

Ms. Urmila Sirur.

Legal Cell

In the CAT H. B. B. B.

CA No 984 of 97



Counter Affidavit

V. Vinod Kumar

ALC 111

28198

Notes on p. page may please be seen.

In the latest Judgment dt 25.6.2001 of the
Humble High Court, it has been mentioned that
W.P. no 1490 of 2001 filed by Shri Ch. Bhupal Gond
against the order of the Tribunal does not belong
to that Batch and it is ordered that the said
W.P. be deleted from this Batch.

The O.A. no 984/97 & M.A. no 894/98 was
disposed of on 11.8.99 by the Humble Tribunal. The
W.P. & in view of the Judgment dt 25.6.2001, will
be pending in the Humble HC of Judhna Pradsh.
Hence, ~~no~~ no action is called for on the
Judgments coming from the Humble High Court
Submitted to HVC for favour of Informant.

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6/7/2001
Regis. No.

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HVC

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- 2 -

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH: HYDERABAD

WRIT PETITION NO. 1490/2000 /2001

W.P.M.P.NO1

/2001

A Writ Petition was filed in the High Court of Andhra Pradesh by Sri Ch. Bhupal Goud alias Bikaahm And The Scientific Adviser to Raxhehmentri, Dir. Gen. DRDO & Others. against the Order/Judgment of this Hon'ble Tribunal dated 11-8-99 and made in O.A.No. 984/97 & MA. 894/98 in OA. 984/97.

The High Court was pleased to Dismissed/ Allowed/ Disposed of *order directing the petitioners to* deposit the amount awarded against them and further ordered that ~~Order Interim Suspension/Stay/Notice the operation of Judgment~~ if the deposits are not made within 2 weeks the interim order granted by ~~the~~ Court staying arrest of the petitioner shall stand vacated on. 6-6-2001.

The Judgment of the Tribunal in O.A.No. 984/97 & MA. 894/98 and the Order/Notice of the High Court of Andhra Pradesh enclosed herewith for perusal.

Submitted.

DEPUTY REGISTRAR :

REGISTRAR:

HON'BLE VICE-CHAIRMAN:

HON'BLE MEMBER(JUDL) :

HON'BLE MEMBER(ADMN) -I

HON'BLE MEMBER(ADMN) -II :

Sir,

The applicant in OA.984/97 filed WP.1490/2000 against the orders of C.A.T. dt.11-8-99 and Honble High Court issued notice dt.7-2-2000. Subsequently the interim orders of Hon'ble High Court passed in Batch of cases including WP.1490/2000(placed below) dt.22.3.2001 & 6.6.2001, wherein Section 27 of the Consumer Protection Act,1986 has only been challenged in the WPs and the order was also regarding deposit of amounts awarded against them, but the petitioner's case in WP.1490/2000 does not link to this Batch.

Hence WP.1490/2000 between Ch.Bhupal Goud alias Bikaahm and The Scientific Advisor & Dir.Gen.,DRDO, New Delhi & Others needs to be separated from the Batch of WP.Nos.261757/97 & Batch.

D.R.

PTO

VE & PSR, II**W.P.No. 1490 of 2000****Order:**

(Per P. Swaroop Reddy, J.)

The petitioner voluntarily retired from service pursuant to his application dated:3.5.1994, vide proceedings dated:21.9.1994. Subsequently he was advised to come to office to enable the respondents to process his pension and gratuity papers to CDA (Pension) Allahabad.

2. It is stated that the petitioner in his voluntary retirement application signed as "Ch. Bixam". But he changed his name as "Ch. Bhupal Goud", and under his signature it has been typed as Ch. Bhupal Goud, Photographer Grade-II, Instrumentation DRDL, Hyderabad. The pension papers were returned on the ground that he has not signed the pension papers as "Ch.Bixam: but signed as "Ch. Bhupal Goud and the change of name was not entered in the service record and therefore, unless he submits the pension papers by signing

[Signature]

#e. 46/2000

HC-106/2009-20

25/8/09

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIRST DAY OF JULY
TWO THOUSAND AND NINE

PRESENT
THE HON'BLE SRI JUSTICE V.ESWARAIAH
and
THE HON'BLE SRI JUSTICE P.SWAROOP REDDY

WRIT PETITION NO : 1490 of 2000

Between:

Ch. Bhupal Goud @ Biksham,
s/o Ayodhya, 50 years, Photographer Gr.II
Defence Research and Development Laboratory,
Kanchan Bagh,Hyderabad.

..... PETITIONER

AND

1. The Scientific Advisor to Rakshamantri and
Director Genral, DRDO, Ministry of Defence, New Delhi.
2. The Director, Defence Research and Development
Laboratory, Kanchan Bagh,Hyderabad.
3. The Registrar, Central Administrative Tribunal,
Hyderabad.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the
circumstances stated in the Affidavit filed herein the High Court will be
pleased to issue a writ or order or direction particularly one in the nature of
Writ of Certiorari calling for the records relating to the order passed in
QA.No.984 of 1997 and in MA.No.894 of 1998 dated:11.8.1999 on the file of the
Central Administrative Tribunal, Hyderabad.

Counsel for the Petitioner: SRI.S.LAKSHMA REDDY

**Counsel for the Respondent: SRI.I. KOTI REDDY, S.C. For Central
Government.**

The Court made the following :Order:

33
25 AUG 2009
RECEIVED
DESPATCH
TAPPEAL SECTION

as "Ch. Bixam" his pension papers will not be processed.

3. We are of the opinion that, the OA., filed by the petitioner before the Central Administrative Tribunal, to direct the respondents not to insist him to sign as "Ch. Bixam" and to process the pension papers with his changed name as "Ch. Bhupal Goud", was rightly rejected on the ground that his changed name was not entered in the service records and in fact the petitioner has taken voluntary retirement by signing his name as "Ch. Bixam".

4. We do not see any infirmity or illegality in the order impugned. The writ petition is liable to be dismissed and the same is accordingly dismissed. No costs. However, it is directed that if the petitioner submits his pension papers by signing as "Ch. Bixam) the same may be processed without any delay and the pension benefits may be paid to him accordingly.

SD/-P.S. SOMAYAJULU
ASSISTANT REGISTRAR

// TRUE COPY //


SECTION OFFICER.

To

1. The Scientific Advisor to Rakshamantri and Director General, DRDO, Ministry of Defence, New Delhi.
2. The Director, Defence Research and Development Laboratory, Kanchanbagh, Hyderabad.
3. The Registrar, Central Administrative Tribunal, Hyderabad.
4. One CC to M/s. S. Lakshmi Reddy, Advocate (OPUC)
5. One CC to Sri I. Koti Reddy, Advocate (OPUC)
6. Two CD Copies.

 Jgk

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to issue a Writ of Certiorari, or any other appropriate Writ, order or direction, calling for the records pertaining to the order in E.P. No. 17 of 1995 in C.D. No. 14 of 1995 dated 22-8-1995 of the 1st respondent and quash the same, as wholly arbitrary, highly illegal, unjust and constitutional, and also without jurisdiction.

COUNSEL FOR THE PETITIONER:
COUNSEL FOR THE RESPONDENT NO.1:
COUNSEL FOR THE RESPONDENT NO.2:

MR. P.S. NARAYANA
~~G.P. FOR TRANSPORT~~ L. Narasimha Reddy
MR. L. PRABHAKAR REDDY SC for C.G.

W.P. No. 29432 of 1995 :

Between:

Motlakunta Anasuya

Petitioner

AND

1. The Union of India, Ministry of Home Affairs, Central Secretariat, New Delhi, rep. by its Secretary
2. The District Forum (Under Consumer Protection Act, 1986) , Medak District, Sangareddy – 502 001.
3. Sri K. Satyanarayana

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to issue an order or direction, more in the nature of Writ of Mandamus, declaring the Section 27 of the Consumer Protection Act, 1986 as illegal, arbitrary, unjust, and unconstitutional, being violative of Arts. 14, 19, 21 and 300-A of the Constitution of India, and consequently declaring the order passed by the 2nd respondent in E.P. No. 14 of 1995 in C.D. No. 10/94 dated 30-10-1995 and 6-11-1995 respectively as wholly without jurisdiction, null and void and nonest in the eye of Law.

COUNSEL FOR THE PETITIONER:
COUNSEL FOR THE RESPONDENT NO.1 and 2:
COUNSEL FOR THE RESPONDENT NO.3:

MR. P.S. NARAYANA
MR. L. NARASIMHA REDDY,
S.C. FOR C.G.
MR. L. PRABHAKAR REDDY

W.P. No. 29433 of 1995 :

Between:

Motlakunta Anasuya

Petitioner

AND

1. The Union of India, Ministry of Home Affairs, Central Secretariat, New Delhi, rep. by its Secretary
2. The District Forum (Under Consumer Protection Act, 1986) , Medak District, Sangareddy – 502 001.
3. Sri P. Adviah

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to issue an order or direction, more in the nature of Writ of Mandamus, declaring the Section 27 of the Consumer Protection Act, 1986 as illegal, arbitrary, unjust, and unconstitutional, being violative of Arts. 14, 19, 21 and 300-A of the Constitution of India, and consequently declaring the order passed by the 2nd respondent in E.P. No. 22 of 1995 in C.D. No. 114/95 dated 30-10-1995 and 6-11-1995 respectively as wholly without jurisdiction, null and void and nonest in the eye of Law.

COUNSEL FOR THE PETITIONER:

MR. P.S. NARAYANA

Counsel for the Respondents
10/10/95

Mr. L. Narasimha Reddy

Counsel for the Respondent
11/10/95

SC for C.G.

DR (3)
Pud
3/3/2000
3/2

**IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD**

(SPECIAL ORIGINAL JURISDICTION)

WEDNESDAY THE TWENTIETH DAY OF JUNE, TWO THOUSAND AND ONE

PRESENT

THE HON'BLE MR. JUSTICE - BILAL NAZKI

AND

THE HON'BLE MR. JUSTICE - ~~EM~~ DHARMA RAO

Filed
37200

W.P. NOS :

26175/97, 20539/95, 29432/95, 29433/95, 29434/95, 29435/95, 29436/95, 29437/95,
29438/95, 29440/95, 111/96, 8182/96, 8186/96, 8228/96, 8229/96, 14207/96, 26181/97,
26193/97, 13785/98, 14004/98, 22902/98, 12986/99, 13666/99, 14492/99, 15165/99,
15173/99, 19389/99, 19482/99, 20117/99, 15620/99, 12183/2000, 8185/96, and
12181/2000.

W.P. No. 26175 of 1997:

Between:

1. M/s. Arunodaya Finance Corporation, Tilak Road, Sadasivpet, Medak District
Rep. by its Managing Partner, Sri Nizampuram Srinivas.
2. Nizampuram Venkatesham

Petitioners

AND

1. The Union of India, Ministry of Home Affairs, Central Secretariat, New Delhi, rep.
by its Secretary
2. The District Forum under the Consumer Protection Act, 1986, Medak District at
Sangareddy-502 001, rep. by its President
3. Mankali Venkata Shnavanthi (MINOR), Rep. by her Natural Father Sri M.V. Surya
Prakash, S/o. M.V. Bharthiah, H.No. 15-5-648, Ashok Bazar, Hyderabad
4. Sri B. Prakasham, S/o. Anjaiah, Near Prabhu Mandir, Sadasivpet, Medak District

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to issue a Writ, order or direction, more in the nature of Writ of Mandamus, declaring the Section 27 of the Consumer Protection Act, 1986 as illegal, arbitrary, unjust, and unconstitutional, being violative of Arts. 14, 19, 21 and 300-A of the Constitution of India, and consequently declaring the order passed by the 2nd respondent in E.P. No. 4 of 1997 in O.P. No. 122 of 1996 dated 21-7-1997 as wholly without jurisdiction, null and void and nonest in the eye of Law.

COUNSEL FOR THE PETITIONERS:

MR. P.S. NARAYANA

COUNSEL FOR THE RESPONDENT No. 3:

MR. L. PRABHAKAR REDDY

COUNSEL FOR THE RESPONDENTS

Mosland

Mr L. Narasimha Reddy

Secy Central Govt

W.P. No. 20539 of 1995 :

Between:

M/s. Subhodaya Auto Finance Corporation, Sadasivpet, Medak District
Rep. by Managing Partner, Sri Mutlakunta Narayana

Petitioner

AND

1. The District Forum (Under Consumer Protection Act, 1986) , Medak District,
Sangareddy
2. Dasa Veeresam

Respondents

2. The District Forum (Under Consumer Protection Act, 1986) , Medak District, Sangareddy – 502 001.
3. Smt. N. Gunnamma

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to issue an order or direction, more in the nature of Writ of Mandamus, declaring the Section 27 of the Consumer Protection Act, 1986 as illegal, arbitrary, unjust, and unconstitutional, being violative of Arts. 14,19,21 and 300-A of the Constitution of India, and consequently declaring the order passed by the 2nd respondent in E.P. No. 11 of 1995 in C.D. No. 141793 dated 30-10-1995 and 6-11-1995 respectively as wholly without jurisdiction, null and void and nonest in the eye of Law.

COUNSEL FOR THE PETITIONER:

COUNSEL FOR THE RESPONDENT NO. 3

Counsel for the Respondent-1 and 2
W.P. No. 29437 of 1995 : *no 3*

MR. P.S. NARAYANA

G.P. FOR PANCHAYAT RAJ &

RURAL DEVELOPMENT

Mr. L. Narasimha Reddy

SC for C. Govt.

Between:

Motlakunta Narayana

Petitioner

AND

1. The Union of India, Ministry of Home Affairs, Central Secretariat, New Delhi, rep. by its Secretary
2. The District Forum (Under Consumer Protection Act, 1986) , Medak District, Sangareddy – 502 001.
3. G. Prateena (MINOR)
Rep. by her Guardian Sri G. Shanker.

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to issue an order or direction, more in the nature of Writ of Mandamus, declaring the Section 27 of the Consumer Protection Act, 1986 as illegal, arbitrary, unjust, and unconstitutional, being violative of Arts. 14,19,21 and 300-A of the Constitution of India, and consequently declaring the order passed by the 2nd respondent in E.P. No. 8 of 1995 in C.D. No. 52/94 dated 30-10-1995 and 6-11-1995 respectively as wholly without jurisdiction, null and void and nonest in the eye of Law.

COUNSEL FOR THE PETITIONER:

COUNSEL FOR THE RESPONDENT NO. 1 and 2

COUNSEL FOR THE RESPONDENT NO. 3:

MR. P.S. NARAYANA

MR. N. SAIDARAO *L. Narasimha Reddy SC for*

MR. L. PRABHAKAR REDDY *C. Govt*

W.P. No. 29438 of 1995 :

Between:

Motlakunta Narayana

Petitioner

AND

1. The Union of India, Ministry of Home Affairs, Central Secretariat, New Delhi, rep. by its Secretary
2. The District Forum (Under Consumer Protection Act, 1986) , Medak District, Sangareddy – 502 001.
3. D. Venkateswarlu (MINOR)
Rep. by his Guardian Sri D. Narasimhulu.

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to issue an order or direction, more in the nature of Writ of Mandamus, declaring the Section 27 of the Consumer Protection Act, 1986 as illegal, arbitrary, unjust, and unconstitutional, being violative of Arts. 14,19,21 and 300-A of the Constitution of India, and consequently declaring the order passed by the 2nd respondent in E.P. No. 10 of 1995 in C.D. No.

W.P. No. 29434 of 1995 :

Between:

Mollakunta Anasuya

AND

Petitioner

1. The Union of India, Ministry of Home Affairs, Central Secretariat, New Delhi, rep. by its Secretary.
2. The District Forum (Under Consumer Protection Act, 1986) , Medak District, Sangareddy – 502 001.
3. Smt. Sankuri Ambamma

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to issue an order or direction, more in the nature of Writ of Mandamus, declaring the Section 27 of the Consumer Protection Act, 1986 as illegal, arbitrary, unjust, and unconstitutional, being violative of Arts. 14, 19, 21 and 300-A of the Constitution of India, and consequently declaring the order passed by the 2nd respondent in E.P. No. 12 of 1995 in C.D. No. 142/93 dated 30-1-1995 and 6-11-1995 respectively as wholly without jurisdiction, null and void and nonest in the eye of Law.

COUNSEL FOR THE PETITIONER:

MR. P.S. NARAYANA

COUNSEL FOR THE RESPONDENT NO.3:

MR. L. PRABHAKAR REDDY

*Counsel for the Respondents No. 1 and 2**Mr. L. Narasimha Reddy
S.C. for C. Govt***W.P. No. 29435 of 1995 :**

Between:

Motlakunta Anasuya

AND

Petitioner

1. The Union of India, Ministry of Home Affairs, Central Secretariat, New Delhi, rep. by its Secretary
2. The District Forum (Under Consumer Protection Act, 1986) , Medak District, Sangareddy – 502 001.
3. K. Kaniyakumari (MINOR) Rep. by her Guardian Sri K. Ramulu.

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to issue an order or direction, more in the nature of Writ of Mandamus, declaring the Section 27 of the Consumer Protection Act, 1986 as illegal, arbitrary, unjust, and unconstitutional, being violative of Arts. 14, 19, 21 and 300-A of the Constitution of India, and consequently declaring the order passed by the 2nd respondent in E.P. No. 13 of 1995 in C.D. No. 9/95 dated 30-10-1995 and 6-11-1995 respectively as wholly without jurisdiction, null and void and nonest in the eye of Law.

COUNSEL FOR THE PETITIONER:

MR. P.S. NARAYANA

COUNSEL FOR THE RESPONDENT NO. 1 and 2

MR. L. NARASIMHA REDDY,

COUNSEL FOR THE RESPONDENT NO.3:

S.C. FOR C.G.

MR. L. PRABHAKAR REDDY

W.P. No. 29436 of 1995 :

Between:

Motlakunta Anasuya

AND

Petitioner

1. The Union of India, Ministry of Home Affairs, Central Secretariat, New Delhi, rep. by its Secretary

W.P. No. 8182 of 1996 :

Between:

Smt. Mankal Krishna Kumari

Petitioner

AND

1. The Union of India, Ministry of Home Affairs, Central Secretariat, New Delhi, rep. by its Secretary
2. The District Forum (Under Consumer Protection Act) , Medak District, Sangareddy – 502 001.
3. Kum. L. Vandana

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to issue an order or direction, more in the nature of Writ of Mandamus, declaring the Section 27 of the Consumer Protection Act, 1986 as illegal, arbitrary, unjust, and unconstitutional, being violative of Arts. 14, 19, 21 and 300-A of the Constitution of India, and consequently declaring the order passed by the 2nd respondent in E.P. No. 32 of 1995 in O.P. No. 55 of 1994, dated 26-2-1996 as wholly without jurisdiction, null and void and nonest in the eye of Law.

COUNSEL FOR THE PETITIONER:

MR. P.S. NARAYANA

COUNSEL FOR THE RESPONDENT NO. 1 and 2

MR. L. NARASIMHA REDDY S.C.

COUNSEL FOR THE RESPONDENT NO. 3:

FOR CENTRAL GOVERNMENT

MR. L. PRABHAKAR REDDY

W.P. No. 8186 of 1996 :

Between:

Smt. Mankal Krishna Kumari

Petitioner

AND

1. The Union of India, Ministry of Home Affairs, Central Secretariat, New Delhi, rep. by its Secretary
2. The District Forum (Under Consumer Protection Act) , Medak District, Sangareddy – 502 001.
3. Master Manaiah (MINOR)
(Rep. by Guardian & Maternal Grand Father, Dr. L. Krishnaiah)
(R2 dismissed for default as per Court Order dated 10-4-2000)

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to issue an order or direction, more in the nature of Writ of Mandamus, declaring the Section 27 of the Consumer Protection Act, 1986 as illegal, arbitrary, unjust, and unconstitutional, being violative of Arts. 14, 19, 21 and 300-A of the Constitution of India, and consequently declaring the order passed by the 2nd respondent in E.P. No. 33 of 1995 in O.P. No. 56 of 1994, dated 26-2-1996 as wholly without jurisdiction, null and void and nonest in the eye of Law.

COUNSEL FOR THE PETITIONER:

MR. P.S. NARAYANA

COUNSEL FOR THE RESPONDENT NO. 1 and 2

MR. P. BHASKAR MOHAN,
ADDITIONAL S.C. FOR C.G.**W.P. No. 8228 of 1996 :**

Between:

Smt. Mankal Krishna Kumari

Petitioner

AND

115/93 dated 30-10-1995 and 6-11-1995 respectively as wholly without jurisdiction, null and void and nonest in the eye of Law.

COUNSEL FOR THE PETITIONER:
COUNSEL FOR THE RESPONDENT NO.1 and 2

MR. P.S. NARAYANA
MR. L. NARASIMHA REDDY,
S.C. FOR C.G.
MR. L. PRABHAKAR REDDY

COUNSEL FOR THE RESPONDENT NO.3:

W.P. No. 29440 of 1995 :

Between:

Motlakunta Anasuya

Petitioner

AND

1. The Union of India, Ministry of Home Affairs, Central Secretariat, New Delhi, rep. by its Secretary
2. The District Forum (Under Consumer Protection Act, 1986) , Medak District, Sangareddy – 502 001.
3. Smt. Nakka Mallamma

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to issue an order or direction, more in the nature of Writ of Mandamus, declaring the Section 27 of the Consumer Protection Act, 1986 as illegal, arbitrary, unjust, and unconstitutional, being violative of Arts. 14,19,21 and 300-A of the Constitution of India, and consequently declaring the order passed by the 2nd respondent in E.P. No. 5 of 1995 in C.D. No. 155/93 dated 30-10-1995 and 6-11-1995 respectively as wholly without jurisdiction, null and void and nonest in the eye of Law.

COUNSEL FOR THE PETITIONER:
COUNSEL FOR THE RESPONDENT NO.3:
Counsel for the Respondents NO.1 and 2

MR. P.S. NARAYANA
MR. L. PRABHAKAR REDDY
Mr. L. Narasimha Reddy
SC for C.G.

W.P. No. 111 of 1996 :

Between:

Motlakunta Anasuya

Petitioner

AND

1. The Union of India, Ministry of Home Affairs, Central Secretariat, New Delhi, rep. by its Secretary
2. The District Forum (Under Consumer Protection Act, 1986) , Medak District, Sangareddy – 502 001.
3. Sri Dundigalla Narasimhulu
(Respondent No. 3 dismissed for default as per Court Order dated 22-3-2000)

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to issue an order or direction, more in the nature of Writ of Mandamus, declaring the Section 27 of the Consumer Protection Act, 1986 as illegal, arbitrary, unjust, and unconstitutional, being violative of Arts. 14,19,21 and 300-A of the Constitution of India, and consequently declaring the order passed by the 2nd respondent in E.P. No. 16 of 1995 in C.D. No. 112/93 dated 30-10-1995 and 6-11-1995 respectively as wholly without jurisdiction, null and void and nonest in the eye of Law.

COUNSEL FOR THE PETITIONER:

MR. P.S. NARAYANA

Counsel for the Respondents
1 and 2

Mr. L. Narasimha Reddy
SC for C.G.

Counsel for the Respondent

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to issue an appropriate writ, order or direction more particularly one in the nature of;

- a) Mandamus declaring the Section 27 of the Consumer Protection Act 1986 (Act 68 of 1986) is unconstitutional, arbitrary and violative of Article, 14 and 21 of the Constitution of India and to struck down the same;
- b) Certiorari to call for the records relating to the proceedings in C.D. No.1/92 dated 9-5-1995 and the orders in E.P. No.1/96 dated 10-6-1996 of the 1st respondent and to quash the same as the said orders are without jurisdiction and illegal.

COUNSEL FOR THE PETITIONERS:
COUNSEL FOR THE RESPONDENT NO.2:
Counsel for the Respondent No.3
Counsel for the Respondent No.4
W.P. No. 26181 of 1997:

MR. K.V. SATYANARAYANA
MR. V.S. RAJU
Mr L. Narasimha Reddy
Sc for CG

Between:

1. M/s. Arunodaya Finance Corporation, Tilak Road, Sadasivpet, Medak District
Rep. by its Managing Partner, Sri Nizampuram Srinivas.
2. Nizampuram Venkatesham

Petitioners

AND

1. The Union of India, Ministry of Home Affairs, Central Secretariat, New Delhi, rep. by its Secretary
2. The District Forum under the Consumer Protection Act, 1986, Medak District at Sangareddy-502 001, rep. by its President
3. Mankali Venkata Anjamma W/o. M.V. Bharthiah, H.No. 15-5-648, Ashok Bazar, Hyderabad
4. Sri B. Prakasham, S/o. Anjaiah, Near Prabhu Mandir, Sadasivpet, Medak District

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to issue a Writ, order or direction, more in the nature of Writ of Mandamus, declaring the Section 27 of the Consumer Protection Act, 1986 as illegal, arbitrary, unjust, and unconstitutional, being violative of Arts. 14, 19, 21 and 300-A of the Constitution of India, and consequently declaring the order passed by the 2nd respondent in E.P. No.2 of 1997 in O.P.No. 120 of 1996 dated 21-7-1997 as wholly without jurisdiction, null and void and nonest in the eye of Law.

COUNSEL FOR THE PETITIONERS:
COUNSEL FOR THE RESPONDENT NO.3:
Counsel for the respondent No.4
Counsel for the respondent No.1 and 2
W.P. No. 26193 of 1997: No 4

MR. P.S. NARAYANA
MR. L. PRABHAKAR REDDY
Mr L. Narasimha Reddy Sc for C.G.

Between:

1. M/s. Arunodaya Finance Corporation, Tilak Road, Sadasivpet, Medak District
Rep. by its Managing Partner, Sri Nizampuram Srinivas.
2. Nizampuram Venkatesham

Petitioners

AND

1. The Union of India, Ministry of Home Affairs, Central Secretariat, New Delhi, rep. by its Secretary
2. The District Forum under the Consumer Protection Act, 1986, Medak District at Sangareddy-502 001, rep. by its President
3. Mankali Venkata Padmavathi W/o. M.V. Surya Prakash, H.No. 15-5-648, Ashok Bazar, Hyderabad
4. Sri B. Prakasham, S/o. Anjaiah, Near Prabhu Mandir, Sadasivpet, Medak District

Respondents

1. The Union of India, Ministry of Home Affairs, Central Secretariat, New Delhi, rep. by its Secretary
2. The District Forum (Under Consumer Protection Act) , Medak District, Sangareddy – 502 001.
3. Kum. L. Vandana

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to issue an order or direction, more in the nature of Writ of Mandamus, declaring the Section 27 of the Consumer Protection Act, 1986 as illegal, arbitrary, unjust, and unconstitutional, being violative of Arts. 14,19,21 and 300-A of the Constitution of India, and consequently declaring the order passed by the 2nd respondent in E.P. No. 31 of 1995 in O.P. No.54 of 1994, dated 26-2-1996 as wholly without jurisdiction, null and void and nonest in the eye of Law.

COUNSEL FOR THE PETITIONER:
COUNSEL FOR THE RESPONDENT NO.1 & 2
Counsel for the Respondent no 3

MR. P.S. NARAYANA
MR. L. RAVI CHANDRA
ADDL. S.C. FOR C.G.

W.P. No. 8229 of 1996 :

Between:

Smt. Mankal Krishna Kumari

Petitioner

AND

1. The Union of India, Ministry of Home Affairs, Central Secretariat, New Delhi, rep. by its Secretary
2. The District Forum (Under Consumer Protection Act) , Medak District, Sangareddy – 502 001.
3. L. Swathi

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to issue an order or direction, more in the nature of Writ of Mandamus, declaring the Section 27 of the Consumer Protection Act, 1986 as illegal, arbitrary, unjust, and unconstitutional, being violative of Arts. 14,19,21 and 300-A of the Constitution of India, and consequently declaring the order passed by the 2nd respondent in E.P. No. 34 of 1995 in O.P. No. 57 of 1994, dated 26-2-1996 as wholly without jurisdiction, null and void and nonest in the eye of Law.

COUNSEL FOR THE PETITIONER:
COUNSEL FOR THE RESPONDENTS NO.1 & 2
Counsel for the Respondent no 3

MR. P.S. NARAYANA
MR. L. RAVI CHANDRA
ADDL. S.C. FOR C.G.

W.P. No. 14207 of 1996 :

Between:

1. M/s. Soubhagya Constructions, Engineers & Contractors, Secunderabad Rep. by Sri M. Ravichandran
2. M. Ravichandran, Partner, M/s. Soubhagya Constructions, Engineers & Contractors, Secunderabad
3. Marga Bandhu, Partner, M/s. Soubhagya Constructions, Engineers & Contractors, Secunderabad

Petitioners

AND

1. State Consumer Redressal Commission, Anandnagar, Khairatabad, Hyderabad
2. Smt. M. Mangala
3. Union of India, rep. by Secretary, Ministry of Law Justice & Company Affairs, Department of Company Affairs, New Delhi

Respondents

COUNSEL FOR THE PETITIONER: MR. P.S. NARAYANA
 COUNSEL FOR THE RESPONDENT NO.3: MR. L. PRABHAKAR REDDY

Counsel for the respondent nos 1, 2 & 4 Mr. L. Narasimhan Reddy
 SC for C. Govt

W.P. No. 22902 of 1998:

Between:

1. K. Jagan Mohan Gupta
2. K. Nirmala Gupta

Petitioner

AND

1. Consumer Disputes Redressal Forum, Hyderabad District-I, Hyderabad
2. Dr. Kamal Kumar Kalaskar, S/o. K. Satya Kumar, R/o. 4-6-384, Esamia Bazar, Hyderabad
3. Mrs. K. Lakshmi, W/o. Dr. K. Kamal Kumar, R/o. 4-6-384, Esamia Bazar, Hyderabad

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to issue writ of Certiorari or any other appropriate writ and quash the order of the first respondent in P.P.No. 74 of 98 in O.P. No.1204 of 1997, on the file of the first respondent.

COUNSEL FOR THE PETITIONERS: MR. VEDULA VENKATARAMANA
 COUNSEL FOR THE RESPONDENTS 2 & 3: MR. NEELI ASHOK KUMAR

Counsel for the Respondent no 1 Mr. L. Narasimhan Reddy
 SC for C. Govt

W.P. No. 12986 of 1999 :

Between:

M/s. Subbaraya Constructions, Visakhapatnam
 Rep. by its Managing Partner, Smt. P. Nirmala Devi

Petitioner

AND

1. The Union of India, rep. by its Principal Secretary (LAW), New Delhi
2. The District Consumer Forum, Visakhapatnam
3. Philip Dennison Hawes
4. Mrs. Beverley Ann Fenwick

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to issue an order or direction, more in the nature of Writ of Mandamus, declaring the Section 27 of the Consumer Protection Act, (Act 68 of 1986), without contemplating the procedural Rules thereunder, is violative of Arts. 14, 19, 21 and 300-A of the Constitution of India, and consequently declare the action of the 2nd respondent in issuing warrant of arrest in P.P. No. 5 of 1999 in O.P. No.508 of 1995, dated 20-3-1999 to the Managing Partner of petitioner Construction who is woman, without following the procedure known to law is highly arbitrary, unjust and is opposed to the principles of natural justice, equity and fair play.

COUNSEL FOR THE PETITIONER: MR. P. RAJA SEKHAR
 COUNSEL FOR THE RESPONDENT NO.3 & 4: MR. CH. DHANANJAYA

Counsel for the Respondents nos 1 and 2 Mr. L. Narasimhan Reddy
 SC for C. Govt

W.P. No. 13666 of 1999:

Between:

M/s. Sree Padmalaya Chit Fund Private Limited, Khairatabad, Hyderabad.
 Rep. by Director, Smt. M. Satyavathi

Petitioner

AND

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to issue a Writ, order or direction, more in the nature of Writ of Mandamus, declaring the Section 27 of the Consumer Protection Act, 1986 as illegal, arbitrary, unjust, and unconstitutional, being violative of Arts. 14, 19, 21 and 300-A of the Constitution of India, and consequently declaring the order passed by the 2nd respondent in E.P. No.3 of 1997 in O.P.No. 121 of 1996 dated 21-7-1997 as wholly without jurisdiction, null and void and nonest in the eye of Law.

COUNSEL FOR THE PETITIONERS:

MR. P.S. NARAYANA

COUNSEL FOR THE RESPONDENT NO.3

MR. L. PRABHAKAR REDDY

Counsel for the Respondent no 1 and 2
Counsel for the Respondent no 4
W.P. No. 13785 of 1998:

Mr. L. Narasimha Reddy
SC for C. Govt.

Between:

N. Venkatesham

Petitioner

AND

1. The Union of India, Ministry of Home Affairs, Central Secretariat, New Delhi, rep. by its Secretary
2. The District Forum under the Consumer Protection Act, 1986, Medak District at Sangareddy-502 001, rep. by its President
3. Diddige Girija Rani W/o. D. Siya Kumar, R/o. Sankarpalli, R.R. District
4. Sri B. Prakasham, S/o. Anjaiah, Near Prabhu Mandir, Sadasivpet, Medak District
5. The Superintendent of Police, Medak District at Sangareddy.

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to issue a Writ, order or direction, more in the nature of Writ of Mandamus, declaring the Section 27 of the Consumer Protection Act, 1986 as illegal, arbitrary, unjust, and unconstitutional, being violative of Arts. 14, 19, 21 and 300-A of the Constitution of India, and consequently declaring the order passed by the 2nd respondent in E.P. No.38 of 1997 in O.P.No. 19 of 1997 vide Dis.No. 172/98 dated 22-4-1998 issued by the 2nd respondent, as wholly without jurisdiction, null and void and nonest in the eye of Law.

COUNSEL FOR THE PETITIONER:

MR. P.S. NARAYANA

COUNSEL FOR THE RESPONDENT NO.3:

MR. L. PRABHAKAR REDDY

Counsel for the Respondents nos
Counsel for the Respondents 1, 2 and 5
W.P. No. 14004 of 1998:

Mr. L. Narasimha Reddy
SC for C. Govt.

Between:

Smt. Motlakunta Anasuya

Petitioner

AND

1. The Union of India, Ministry of Home Affairs, Central Secretariat, New Delhi, rep. by its Secretary
2. The District Forum under the Consumer Protection Act, 1986, Medak District at Sangareddy-502 001, rep. by its President
3. Diddige Girija Rani, W/o. D. Siva Kumar, R/o. Sankarpalli, R.R. District
4. The Superintendent of Police, Medak District at Sangareddy.

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to issue a Writ, order or direction, more in the nature of Writ of Mandamus, declaring the Section 27 of the Consumer Protection Act, 1986 as illegal, arbitrary, unjust, and unconstitutional, being violative of Arts. 14, 19, 21 and 300-A of the Constitution of India, and consequently declaring the order passed by the 2nd respondent in E.P. No.68 of 1996 in O.P.No. 32 of 1996 vide Dis.No. 56/98 dated 15/16-4-1998 issued by the 2nd respondent, as wholly without jurisdiction, null and void and nonest in the eye of Law.

3. The Union of India, rep. by its Secretary, Ministry of Consumer Forums, Ministry of Civil Supplies, Government of India, New Delhi

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to pass an order or direction of writ under Article 226 of the Constitution of India, more particularly one in the nature of Writ of Mandamus

- a) declaring the section 27 of the Consumer Protection Act, 1986 (Act. 68 of 1986) as un-constitutional, arbitrary and violative of Art. 14 and 21 of the Constitution of India and struck down the same and
- b) to call for the records relating to the proceedings in P.P. 17/98 in O.P.No.976/95 dated 22-6-1998 passed by the first respondent and quash the same as illegal and without jurisdiction.

COUNSEL FOR THE PETITIONER:

MR. C. DAMODAR REDDY

COUNSEL FOR THE RESPONDENT NO.2:

MR. B. VISWANATH REDDY

COUNSEL FOR THE RESPONDENT NO.3 and 3 G.P. FOR CIVIL SUPPLIES

Mr. L. Narasimha Reddy
SC and C. Court.

W.P. No. 15173 of 1999:

Between:

M/s. Sree Padmalaya Chit Fund Private Limited, Khairatabad, Hyderabad
Rep. by Managing Director, Sri K. Suryanarayana

Petitioner

AND

1. The Consumer Disputes Redressal Forum, Hyderabad District-I, Hyderabad
2. Sri V.A. Sukhla, H.No. A-930, HAL Colony, Hyderabad.
3. The Union of India, rep. by its Secretary, Ministry of Consumer Forums, Ministry of Civil Supplies, Government of India, New Delhi

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to pass an order or direction of writ under Article 226 of the Constitution of India, more particularly one in the nature of Writ of Mandamus

- a) declaring the section 27 of the Consumer Protection Act, 1986 (Act. 68 of 1986) as un-constitutional, arbitrary and violative of Art. 14 and 21 of the Constitution of India and struck down the same and
- b) to call for the records relating to the proceedings in I.A.No. 50/97 in CD No. 668/94 dated 10-9-97 passed by the first respondent and quash the same as illegal and without jurisdiction.

COUNSEL FOR THE PETITIONER:

MR. C. DAMODAR REDDY

COUNSEL FOR THE RESPONDENT NO.1 and 3

G.P. FOR CIVIL SUPPLIES

Counsel for the Respondent no 2

Mr. L. Narasimha Reddy SC and C. Court.

W.P. No. 19389 of 1999 :

Between:

Smt. T. Hyma

Petitioner

AND

1. The District Consumer Forum, Warangal, Warangal District
2. Cholleti Susheela, W/o. Thirupathi Reddy, H.No.3-18, Post, Potireddypet, Huzurabad Mandal, Karimnagar District
3. The Union of India, rep. by its Secretary, Ministry of Consumer Forums, Ministry of Civil Supplies, Government of India, New Delhi

Respondents

1. The Consumer Disputes Redressal Forum, Hyderabad District-I, Hyderabad
2. Smt. V. Vimala, W/o. Brahmananda Rao, R/o. MIG-1745, Nellagandla Village, B.H.E.L., Ramachandrapuram, Hyderabad
3. The Union of India, rep. by its Secretary, Ministry of Consumer Forums, Ministry of Civil Supplies, Government of India, New Delhi

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to pass an order or direction of writ under Article 226 of the Constitution of India, more particularly one in the nature of Writ of Mandamus

- a) declaring the section 27 of the Consumer Protection Act, 1986 (Act. 68 of 1986) as un-constitutional, arbitrary and violative of Art. 14 and 21 of the Constitution of India and struck down the same and
- b) to call for the records relating to the proceedings in I.A.NO. 821/96 in O.P.No.174/95 dated 10-9-1997 passed by the first respondent and quash the same as illegal and without jurisdiction.

COUNSEL FOR THE PETITIONER:
COUNSEL FOR THE RESPONDENT NO. 3
Counsel for the Respondents 1, 2 & 3

MR. C. DAMODAR REDDY
MR. POSANI VENKATESWARLU
Mr. L. Narasimha Reddy
SC for C. Govt

W.P. No. 14492 of 1999 :

Between:

Sri Parmjit Singh

Petitioner

AND

1. Union of India, rep. by Secretary, Food and Civil Supplies, Udyog Bhavan, New Delhi
2. The Andhra Pradesh State Consumer Disputes Redressal Forum, Khairatabad, Anandnagar, Hyderabad - 500 004.

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to

- a) issue any appropriate writ order or directions declaring that the proviso to 27 of the Consumer Protection Act, 1986 is unconstitutional and consequently
- b) to quashing the order of the second Respondent passed in EP No.13/96 against OP No.101/94, EP No. 14/96 against O.P No.102/94, EP No.15/96 against OP No.103/94, EP No.16/96 against OP No. 104/94, EP No.10/96 against O.P. No.105/94 all dated 2-7-1997 and U.S.R. No. 679/97, 681/97, 678/97, 677/97, 682/97, 680/97 all dated 31-12-1997.

COUNSEL FOR THE PETITIONER: MR. G. DHARMA RAO
COUNSEL FOR THE RESPONDENT NO. 1: *as 2* MR. G. SREENIVAS L. *Narasimha Reddy*
SC for C. Govt

W.P. No. 15165 of 1999 :

Between:

M/s. Sree Padmalaya Chit Fund Private Limited, Khairatabad, Hyderabad
Rep. by Managing Director, Sri K. Suryanarayana

Petitioner

AND

1. The Consumer Disputes Redressal Forum, Hyderabad District-I, Hyderabad
2. Smt. R. Bharathi W/o. R.S. Raju, H.No. 9-124/1, Vijayapuri, Near S.B.I. Colony, Kothapeta, Hyderabad

issuing warrant of notice in P.P. No.5/99 in O.P. No.168/97 on the file of the District Forum, Medak, Sangareddy to the petitioner without following the procedure known to law is highly arbitrary, unjust and is opposed to the Principles of Natural Justice, equity and fairplay.

COUNSEL FOR THE PETITIONER:

COUNSEL FOR THE RESPONDENT NO.1 & 2
Counsel for the Respondent no 3

MR. M.S.N. PRASAD

MR. R. RAVI KUMAR, L. Narasimha Reddy
ADDL. S.C. FOR C.G.

W.P.No. 15620 of 1999:

Between:

N. Raji Reddy

Petitioner

AND

1. The Consumer Disputes Redressal Forum, Hyderabad-I, Hyderabad District
2. Smt. S. Vasantha
3. M/s. Mahalaxmi Constructions, rep. by its Managing Director, K. Shiva Shankar, Sikh Village, Secunderabad
4. K. Shiv Shankar
5. The Union of India, as presented by its Secretary, Ministry of Consumer Forum, Ministry of Civil Supplies, Government of India, New Delhi

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus:

- a) declaring the Sec.27 of the Consumer Protection Act, 1986 (Act 68 of 1986) as un-constitutional, arbitrary, and violative of Article 24 of the Constitution of India and struck down the same;
- b) to call for the records relating to the proceedings in P.P. No.88/98 in CD No.1310/93 dated 17-5-1999 passed by the 1st Respondent and quash the same as illegal and without jurisdiction.

COUNSEL FOR THE PETITIONER:

COUNSEL FOR THE RESPONDENT NO.2:

Counsel for the Respondents nos 1 and 5
Counsel for the Respondent no 3 & 4

MR. T. RAMULU

G. RAMACHANDRA RAO

H. L. Narasimha Reddy

Sec. for C. Court

W.P. No. 12183 of 2000:

Between:

K. Shiva Raj

Petitioner

AND

1. The District Forum (Under Consumer Protection Act), Ranga Reddy District, N.T.R. Nagar, L.B. Nagar, Hyderabad
2. D. Sudershan Reddy
3. The Union of India, rep. by the Secretary, Ministry of Civil Supplies, Government of India, New Delhi

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to pass an order or direction or writ under Article 226 of the Constitution of India, more particularly one in the nature of Writ of Mandamus

- i) declaring the section 27 of the Consumer Protection Act, 1986 (Act No.68 of 1986) as un constitutional, arbitrary and violative of Arts. 14 and 21 of the Constitution of India and struck down the same; and
- ii) to call for the records relating to the proceedings in P.P.No.13 of 1999 in CD No.232 of 1997 dated 8-5-2000 from the file of the First respondent and set aside the same as illegal and without jurisdiction.

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to pass an order or direction of writ under Article 226 of the Constitution of India, more particularly one in the nature of Writ of Mandamus

- a) declaring the section 27 of the Consumer Protection Act, 1986 (Act. 68 of 1986) as un-constitutional, arbitrary and violative of Art. 14 and 21 of the Constitution of India and struck down the same and
- b) to call for the records relating to the proceedings in P.P. 9/99 in C.D.No.50/98 dated 28-8-1999 passed by the first respondent and quash the same as illegal and without jurisdiction.

COUNSEL FOR THE PETITIONER:
COUNSEL FOR THE RESPONDENT NO.2
counsel for the Respondents 1&2&3
W.P. No. 19482 of 1999 :

MR. B. VINOD KUMAR
MR. T. RAMULU
L. Narasimha Rddy
Sec for C. Govt

Between:

V. Nanda Kumar

Petitioner

AND

1. The Union of India, rep. by its Principal Secretary (LAW), New Delhi
2. The District Consumer Forum, Srikakulam, rep. by President
3. Sri Sidda Bhairavi Coir Industries, rep. by its Manager Sri L. Diwakar Rao, Birusuvada, Sompeta Mandal, Srikakulam

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to issue a Writ Order or Direction particularly one in the nature of Writ of Mandamus, by declaring the power of penalties under Section 27 of the Consumer Protection Act, without contemplating the procedural Rules thereunder, is violative of Articles 14 & 19 of the Constitution of India, and consequentially declare the action of the 2nd Respondent in issuing warrant of arrest in E.P. No.20/97 in O.P. No.168/95 dated 1-7-1999 on the file of the District Forum, Srikakulam to the petitioner without following the procedure known to law is highly arbitrary, unjust and is opposed to the Principles of Natural Justice, equity and fairplay.

COUNSEL FOR THE PETITIONER:
COUNSEL FOR THE RESPONDENT NO.1 & 2
COUNSEL FOR THE RESPONDENT NO.2
COUNSEL FOR THE RESPONDENT NO.3:

MR. P.M. GOPAL RAO
M. PADMA LATHA YADAV *Mr L. Narasimha Rddy*
G.P. FOR CIVIL SUPPLIES *Sec for C. Govt*
MR. PRATAP NARAYAN SANGHI

W.P. No. 20117 of 1999 :

Between:

Humnabad Shivachidambaraiah

Petitioner

AND

1. The Union of India, rep. by its Principal Secretary (LAW), New Delhi
2. The District Forum (Under Consumer Protection Act) Sangareddy, Medak District
3. Smt. Chilvari Janabai, W/o. Narsimulu, Ibrahimbad Village, Via Siripuram, Narsapur Mandal, Medak District

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to issue a Writ Order or Direction particularly one in the nature of Writ of Mandamus, by declaring the power of penalties under Section 27 of the Consumer Protection Act, without contemplating the procedural Rules thereunder, is violative of Articles 14 & 19 of the Constitution of India, and consequentially declare the action of the 2nd Respondent in

These batch of writ petitions coming on for hearing, upon perusing the petition and the affidavit filed in support thereof and the order of the High Court dated 22-3-2001, 6-6-2001 and made herein and upon hearing the arguments of above said counsel, the Court made the following

ORDER:

" On 6-6-2001 this Court had granted two weeks' time to the writ petitioner to deposit the amounts awarded against them by the Consumer Forums. It had been made clear in that order that if the deposits are not made within two weeks, the interim order granted by this Court staying the arrest of the writ petitioners shall stand vacated. The Registry shall see in which cases the amounts have been deposited and in which cases the amounts have not been deposited. In the cases the amounts have not been deposited, the stay is vacated. The Registry is directed to immediately inform the concerned Consumer Forums that the stay had been vacated so that the warrants issued against the writ petitioners are executed by the Consumer Forums.

List next week for final hearing.

W.P.NO. 14207 OF 1996:

In this case the learned counsel for the petitioner submits that he has deposited the amounts, but they have not been received by the Consumer Forum as the orders of this court have not been received by it. The Registry is directed to send copies of the orders dated 22-3-2001 and 6-6-2001 passed by this court to the concerned Consumer Forums and the petitioner in this writ petition is allowed to deposit the amounts with the Registrar (Judicial) of the High Court within a period of three days.

W.P.NO. 1490 OF 2001:

It is submitted by the learned counsel for the petitioner that this writ petition does not belong to this batch of writ petitions. Therefore, the writ petition be deleted from this batch.

Sd/- HABEEBUNNISA BEGUM
ASSISTANT REGISTRAR

// TRUE COPY //

for ASSISTANT REGISTRAR

To

1. The Secretary, Union of India, Ministry of Home Affairs, Central Secretariat, New Delhi.
2. The President, District Forum under the Consumer Protection Act, 1986, Sangareddy, Medak District -502 001
5. The Superintendent of Police, Sangareddy, Medak District
6. The Consumer Disputes Redressal Forum, Hyderabad District-I, Hyderabad
7. The Secretary, Union of India, Ministry of Consumer Forums, Ministry of Civil Supplies, Government of India, New Delhi
8. The District Consumer Forum, Warangal, Warangal District
9. The Principal Secretary (LAW), Union of India, New Delhi
10. The President, District Consumer Forum, Srikakulam, Srikakulam District
11. The District Forum (Under Consumer Protection Act) Sangareddy, Medak District
12. The Secretary, Union of India, Food and Civil Supplies, Udyog Bhavan, New Delhi
13. ~~The Andhra Pradesh State Consumer Disputes Redressal Forum, Khairatabad, Anandnagar, Hyderabad - 500 004.~~
14. The State Consumer Redressal Commission, Anandnagar, Khairatabad, Hyderabad (ALONG WITH A COPY OF COURT ORDER DATED 22-3-2001 AND 6-6-2001)
15. The Secretary, Union of India, Ministry of Law Justice & Company Affairs, Department of Company Affairs, New Delhi

COUNSEL FOR THE PETITIONER:
 COUNSEL FOR THE RESPONDENT NO.2:
 COUNSEL FOR THE RESPONDENT NO.1 and 3:

MR. C. DAMODAR REDDY
 MR. K. RAGHUVeer REDDY
 MRS. E. URMILA S.C. FOR CIVIL Addl sc
 SUPPLIES for C. Govt

W.P. No. 8185 of 1996 :

Between:

Smt. Mankal Krishna Kumari

Petitioner

AND

1. The Union of India, Ministry of Home Affairs, Central Secretariat, New Delhi, rep. by its Secretary
2. The District Forum (Under Consumer Protection Act) , Medak District, Sangareddy – 502 001.
3. Dr. L. Krishnaiah

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to issue an order or direction, more in the nature of Writ of Mandamus, declaring the Section 27 of the Consumer Protection Act, 1986 as illegal, arbitrary, unjust, and unconstitutional, being violative of Arts. 14,19,21 and 300-A of the Constitution of India, and consequently declaring the order passed by the 2nd respondent in E.P. No. 30 of 1995 in O.P. No.53 of 1994, dated 26-2-1996 as wholly without jurisdiction, null and void and nonest in the eye of Law.

COUNSEL FOR THE PETITIONER:
 COUNSEL FOR THE RESPONDENT NO.1 and 2:
 COUNSEL FOR THE RESPONDENT NO.3:

MR. P.S. NARAYANA
 ADDL.S.C. FOR CENTRAL GOVT.
 MR. M. RAMA RAO

W.P. No. 12181 of 2000:

Between:

K. Shiva Raj

Petitioner

AND

1. The District Forum (Under Consumer Protection Act), Ranga Reddy District, N.T.R. Nagar, L.B. Nagar, Hyderabad
2. M. Praveen
3. The Union of India, rep. by the Secretary, Ministry of Civil Supplies, Government of India, New Delhi

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to pass an order or direction or writ under Article 226 of the Constitution of India, more particularly one in the nature of Writ of Mandamus

- i) declaring the section 27 of the Consumer Protection Act, 1986 (Act No.68 of 1986) as un constitutional, arbitrary and violative of Arts. 14 and 21 of the Constitution of India and struck down the same; and
- ii) to call for the records relating to the proceedings in P.P.No.14 of 1999 in CD No.233 of 1997 dated 8-5-2000 from the file of the First respondent and set aside the same as illegal and without jurisdiction.

COUNSEL FOR THE PETITIONER:
 COUNSEL FOR THE RESPONDENT NO.2:
 COUNSEL FOR THE RESPONDENT NO.1 and 3:

MR. C. DAMODAR REDDY
 MR. K. RAGHUVeer REDDY
 MRS. E. URMILA S.C. FOR CIVIL Addl. sc for
 SUPPLIES Central Govt

16. The District Consumer Forum, Visakhapatnam, Visakhapatnam District
17. The Registrar (Judicial), High Court of AP, Hyderabad (along with court order dated 22-3-2001, 6-6-2001 to inform to concerned consumer forums in respect of compliance of court order dated 22-3-2001 & 6-6-2001)
18. The Accounts Officer, High Court of AP, Hyderabad (along with court order dated 22-3-2001, 6-6-2001 to inform to concerned consumer forums in respect of compliance of court order dated 22-3-2001 & 6-6-2001)
19. The Section Officer, Writ Filing Section, High Court of AP, Hyderabad
20. The Section Officer, Posting Section, High Court of AP, Hyderabad
(ALONG WITH COURT ORDER DATED 22-3-2001, 6-6-2001 TO INFORM TO CONCERNED CONSUMER FORUMS IN RESPECT OF COMPLIANCE OF COURT ORDER DATED 22-3-2001 & 6-6-2001)
21. Two CCs to G.P. for Panchayat Raj & Rural Development, High Court of A.P., Hyderabad (OUT)
22. Two CCs to G.P. for Transport, High Court of A.P., Hyderabad (OUT)
23. Two CCs to G.P. for Civil Supplies, High Court of A.P., Hyderabad (OUT)
24. Two Spare Copies.

25) 100 cc to Govt Buildings, High Court Building, Hyderabad (OUT)

26) The Scientific Advisor to Rakshamantri and Director General D.D.O.

27) The Director, Defence Research and Development Laboratory, Kanchanbagh, Hyderabad.

28) The Registrar, Central Administrative Tribunal, Hyderabad

30) 100 cc to Mr. K.V. Subbarao
Mansingh Adva and Copies

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to issue a Writ of Certiorari, or any other appropriate Writ, order or direction, calling for the records pertaining to the order in E.P. No. 17 of 1995 in C.D. No. 14 of 1995 dated 22-8-1995 of the 1st respondent and quash the same, as wholly arbitrary, highly illegal, unjust and constitutional, and also without jurisdiction.

COUNSEL FOR THE PETITIONER:	MR. P.S. NARAYANA
COUNSEL FOR THE RESPONDENT NO.1:	G.P. FOR TRANSPORT
COUNSEL FOR THE RESPONDENT NO.2:	MR. L. PRABHAKAR REDDY

W.P. No. 29432 of 1995 :

Between:

Motlakunta Anasuya

AND

Petitioner

1. The Union of India, Ministry of Home Affairs, Central Secretariat, New Delhi, rep. by its Secretary
2. The District Forum (Under Consumer Protection Act, 1986) , Medak District, Sangareddy – 502 001.
3. Sri K. Satyanarayana

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to issue an order or direction, more in the nature of Writ of Mandamus, declaring the Section 27 of the Consumer Protection Act, 1986 as illegal, arbitrary, unjust, and unconstitutional, being violative of Arts. 14,19,21 and 300-A of the Constitution of India, and consequently declaring the order passed by the 2nd respondent in E.P. No. 14 of 1995 in C.D. No. 10/94 dated 30-10-1995 and 6-11-1995 respectively as wholly without jurisdiction, null and void and nonest in the eye of Law.

COUNSEL FOR THE PETITIONER:	MR. P.S. NARAYANA
COUNSEL FOR THE RESPONDENT NO.1:	MR. L. NARASIMHA REDDY, S.C. FOR C.G.
COUNSEL FOR THE RESPONDENT NO.3:	MR. L. PRABHAKAR REDDY

W.P. No. 29433 of 1995 :

Between:

Motlakunta Anasuya

AND

Petitioner

1. The Union of India, Ministry of Home Affairs, Central Secretariat, New Delhi, rep. by its Secretary
2. The District Forum (Under Consumer Protection Act, 1986) , Medak District, Sangareddy – 502 001.
3. Sri P. Adviah

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to issue an order or direction, more in the nature of Writ of Mandamus, declaring the Section 27 of the Consumer Protection Act, 1986 as illegal, arbitrary, unjust, and unconstitutional, being violative of Arts. 14,19,21 and 300-A of the Constitution of India, and consequently declaring the order passed by the 2nd respondent in E.P. No. 22 of 1995 in C.D. No. 114/95 dated 30-10-1995 and 6-11-1995 respectively as wholly without jurisdiction, null and void and nonest in the eye of Law.

COUNSEL FOR THE PETITIONER:	MR. P.S. NARAYANA
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HLC 140/34

DR(3)
22/6/2001

**IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD**
(SPECIAL ORIGINAL JURISDICTION)

WEDNESDAY THE SIXTH DAY OF JUNE, TWO THOUSAND AND ONE

: PRESENT:

THE HON'BLE MR. JUSTICE: BILAL NAZKI
AND
THE HON'BLE MR. JUSTICE: ELIPE DHARMA RAO

W.P. NOS :

26175/97, 20539/95, 29432/95, 29433/95, 29434/95, 29435/95, 29436/95, 29437/95,
29438/95, 29440/95, 111/96, 8182/96, 8185/96, 8186/96, 8228/96, 8229/96, 14207/96,
26181/97, 26193/97, 13785/98, 14004/98, 22902/98, 12986/99, 13666/99, 14492/99,
15165/99, 15173/99, 19389/99, 19482/99, 20117/99 and 1490/2000

W.P. No. 26175 of 1997:

Between:

1. M/s. Arunodaya Finance Corporation, Tilak Road, Sadasivpet, Medak District
Rep. by its Managing Partner, Sri Nizampuram Srinivas.
2. Nizampuram Venkatesham

Petitioners

AND

1. The Union of India, Ministry of Home Affairs, Central Secretariat, New Delhi, rep.
by its Secretary
2. The District Forum under the Consumer Protection Act, 1986, Medak District at
Sangareddy-502 001, rep. by its President
3. Mankali Venkata Shraavanthi (MINOR), Rep. by her Natural Father Sri M.V. Surya
Prakash, S/o. M.V. Bharthiah, H.No. 15-5-648, Ashok Bazar, Hyderabad
4. Sri B. Prakasham, S/o. Anjaiah, Near Prabhu Mandir, Sadasivpet, Medak District

Respondents

Petition under Article 226 of the Constitution of India praying that in the
circumstances stated in the Affidavit filed herein, the High Court will be pleased to issue
a Writ, order or direction, more in the nature of Writ of Mandamus, declaring the Section
27 of the Consumer Protection Act, 1986 as illegal, arbitrary, unjust, and
unconstitutional, being violative of Arts. 14, 19, 21 and 300-A of the Constitution of India,
and consequently declaring the order passed by the 2nd respondent in E.P. No.4 of 1997
in O.P.No. 122 of 1996 dated 21-7-1997 as wholly without jurisdiction, null and void and
nonest in the eye of Law.

COUNSEL FOR THE PETITIONERS:
COUNSEL FOR THE RESPONDENT No.3:

MR. P.S. NARAYANA
MR. L. PRABHAKAR REDDY

W.P. No. 20539 of 1995 :

Between:

M/s. Subhodaya Auto Finance Corporation, Sadasivpet, Medak District
Rep. by Managing Partner, Sri Mutlakunta Narayana

Petitioner

1. The District Forum (Under Consumer Protection Act, 1986) , Medak District,
Sangareddy
2. Dasa Veeresam

Respondents

420
22/6/2001

RECEIVED
AT THE JUDICIAL SECTION

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to issue an order or direction, more in the nature of Writ of Mandamus, declaring the Section 27 of the Consumer Protection Act, 1986 as illegal, arbitrary, unjust, and unconstitutional, being violative of Arts. 14, 19, 21 and 300-A of the Constitution of India, and consequently declaring the order passed by the 2nd respondent in E.P. No. 11 of 1995 in C.D. No. 141/93 dated 30-10-1995 and 6-11-1995 respectively as wholly without jurisdiction, null and void and nonest in the eye of Law.

COUNSEL FOR THE PETITIONER:
COUNSEL FOR THE RESPONDENT NO.2:

MR. P.S. NARAYANA
G.P. FOR PANCHAYAT RAJ &
RURAL DEVELOPMENT

W.P. No. 29437 of 1995 :

Between:

Motlakunta Narayana

Petitioner

AND

1. The Union of India, Ministry of Home Affairs, Central Secretariat, New Delhi, rep. by its Secretary
2. The District Forum (Under Consumer Protection Act, 1986) , Medak District, Sangareddy – 502 001.
3. G. Prateena (MINOR)
Rep. by her Guardian Sri G. Shanker.

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to issue an order or direction, more in the nature of Writ of Mandamus, declaring the Section 27 of the Consumer Protection Act, 1986 as illegal, arbitrary, unjust, and unconstitutional, being violative of Arts. 14, 19, 21 and 300-A of the Constitution of India, and consequently declaring the order passed by the 2nd respondent in E.P. No. 8 of 1995 in C.D. No. 52/94 dated 30-10-1995 and 6-11-1995 respectively as wholly without jurisdiction, null and void and nonest in the eye of Law.

COUNSEL FOR THE PETITIONER:
COUNSEL FOR THE RESPONDENT NO.1:
COUNSEL FOR THE RESPONDENT NO.3:

MR. P.S. NARAYANA
MR. N. SAIDA RAO
MR. L. PRABHAKAR REDDY

W.P. No. 29438 of 1995 :

Between:

Motlakunta Narayana

Petitioner

AND

1. The Union of India, Ministry of Home Affairs, Central Secretariat, New Delhi, rep. by its Secretary
2. The District Forum (Under Consumer Protection Act, 1986) , Medak District, Sangareddy – 502 001.
3. D. Venkateswarlu (MINOR)
Rep. by his Guardian Sri D. Narasimhulu.

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to issue an order or direction, more in the nature of Writ of Mandamus, declaring the Section 27 of the Consumer Protection Act, 1986 as illegal, arbitrary, unjust, and unconstitutional, being violative of Arts. 14, 19, 21 and 300-A of the Constitution of India, and consequently declaring the order passed by the 2nd respondent in E.P. No. 10 of 1995 in C.D. No. 115/93 dated 30-10-1995 and 6-11-1995 respectively as wholly without jurisdiction, null and void and nonest in the eye of Law.

W.P. No. 29434 of 1995 :

Between:

Motlakunta Anasuya

AND

Petitioner

1. The Union of India, Ministry of Home Affairs, Central Secretariat, New Delhi, rep. by its Secretary
2. The District Forum (Under Consumer Protection Act, 1986) , Medak District, Sangareddy – 502 001.
3. Smt. Sankuri Ambamma

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to issue an order or direction, more in the nature of Writ of Mandamus, declaring the Section 27 of the Consumer Protection Act, 1986 as illegal, arbitrary, unjust, and unconstitutional, being violative of Arts. 14,19,21 and 300-A of the Constitution of India, and consequently declaring the order passed by the 2nd respondent in E.P. No. 12 of 1995 in C.D. No. 142/93 dated 30-1-1995 and 6-11-1995 respectively as wholly without jurisdiction, null and void and nonest in the eye of Law.

COUNSEL FOR THE PETITIONER:

MR. P.S. NARAYANA

COUNSEL FOR THE RESPONDENT NO.3:

MR. L. PRABHAKAR REDDY

W.P. No. 29435 of 1995 :

Between:

Motlakunta Anasuya

AND

Petitioner

1. The Union of India, Ministry of Home Affairs, Central Secretariat, New Delhi, rep. by its Secretary
2. The District Forum (Under Consumer Protection Act, 1986) , Medak District, Sangareddy – 502 001.
3. K. Kaniyakumari (MINOR) Rep. by her Guardian Sri K. Ramulu.

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to issue an order or direction, more in the nature of Writ of Mandamus, declaring the Section 27 of the Consumer Protection Act, 1986 as illegal, arbitrary, unjust, and unconstitutional, being violative of Arts. 14,19,21 and 300-A of the Constitution of India, and consequently declaring the order passed by the 2nd respondent in E.P. No. 13 of 1995 in C.D. No. 9/95 dated 30-10-1995 and 6-11-1995 respectively as wholly without jurisdiction, null and void and nonest in the eye of Law.

COUNSEL FOR THE PETITIONER:

MR. P.S. NARAYANA

COUNSEL FOR THE RESPONDENT NO.1:

MR. L. NARASIMHA REDDY,

S.C. FOR C.G.

COUNSEL FOR THE RESPONDENT NO.3:

MR. L. PRABHAKAR REDDY

W.P. No. 29436 of 1995 :

Between:

Motlakunta Anasuya

AND

Petitioner

1. The Union of India, Ministry of Home Affairs, Central Secretariat, New Delhi, rep. by its Secretary
2. The District Forum (Under Consumer Protection Act, 1986) , Medak District, Sangareddy – 502 001.
3. Smt. N. Gunnamma

Respondents

1. The Union of India, Ministry of Home Affairs, Central Secretariat, New Delhi, rep. by its Secretary
2. The District Forum (Under Consumer Protection Act) , Medak District, Sangareddy – 502 001.
3. Kum. L. Vandana

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to issue an order or direction, more in the nature of Writ of Mandamus, declaring the Section 27 of the Consumer Protection Act, 1986 as illegal, arbitrary, unjust, and unconstitutional, being violative of Arts. 14, 19, 21 and 300-A of the Constitution of India, and consequently declaring the order passed by the 2nd respondent in E.P. No. 32 of 1995 in O.P. No. 55 of 1994, dated 26-2-1996 as wholly without jurisdiction, null and void and nonest in the eye of Law.

COUNSEL FOR THE PETITIONER:
COUNSEL FOR THE RESPONDENT NO.1:

MR. P.S. NARAYANA
MR. L. NARASIMHA REDDY S.C.
FOR CENTRAL GOVERNMENT
MR. L. PRABHAKAR REDDY

COUNSEL FOR THE RESPONDENT NO.3:

W.P. No. 8185 of 1996 :

Between:

Smt. Mankal Krishna Kumari

Petitioner

AND

1. The Union of India, Ministry of Home Affairs, Central Secretariat, New Delhi, rep. by its Secretary
2. The District Forum (Under Consumer Protection Act) , Medak District, Sangareddy – 502 001.
3. Dr. L. Krishnaiah

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to issue an order or direction, more in the nature of Writ of Mandamus, declaring the Section 27 of the Consumer Protection Act, 1986 as illegal, arbitrary, unjust, and unconstitutional, being violative of Arts. 14, 19, 21 and 300-A of the Constitution of India, and consequently declaring the order passed by the 2nd respondent in E.P. No. 30 of 1995 in O.P. No. 53 of 1994, dated 26-2-1996 as wholly without jurisdiction, null and void and nonest in the eye of Law.

COUNSEL FOR THE PETITIONER:
COUNSEL FOR THE RESPONDENT NO.1:
COUNSEL FOR THE RESPONDENT NO.3:

MR. P.S. NARAYANA
ADDL.S.C. FOR CENTRAL GOVT.
MR. M. RAMA RAO

W.P. No. 8186 of 1996 :

Between:

Smt. Mankal Krishna Kumari

Petitioner

AND

1. The Union of India, Ministry of Home Affairs, Central Secretariat, New Delhi, rep. by its Secretary
2. The District Forum (Under Consumer Protection Act) , Medak District, Sangareddy – 502 001.
3. Master Manaiah (MINOR)
(Rep. by Guardian & Maternal Grand Father, Dr. L. Krishnaiah)
(R2 dismissed for default as per Court Order dated 10-4-2000)

Respondents

COUNSEL FOR THE PETITIONER:
COUNSEL FOR THE RESPONDENT NO.1:
COUNSEL FOR THE RESPONDENT NO.3:

MR. P.S. NARAYANA
MR. L. NARASIMHA REDDY,
S.C. FOR C.G.
MR. L. PRABHAKAR REDDY

W.P. No. 29440 of 1996 :

Between:

Motlakunta Anasuya

AND

Petitioner

1. The Union of India, Ministry of Home Affairs, Central Secretariat, New Delhi, rep. by its Secretary
2. The District Forum (Under Consumer Protection Act, 1986) , Medak District, Sangareddy – 502 001.
3. Smt. Nakka Mallamma

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to issue an order or direction, more in the nature of Writ of Mandamus, declaring the Section 27 of the Consumer Protection Act, 1986 as illegal, arbitrary, unjust, and unconstitutional, being violative of Arts. 14,19,21 and 300-A of the Constitution of India, and consequently declaring the order passed by the 2nd respondent in E.P. No. 5 of 1995 in C.D. No. 155/93 dated 30-10-1995 and 6-11-1995 respectively as wholly without jurisdiction, null and void and nonest in the eye of Law.

COUNSEL FOR THE PETITIONER:
COUNSEL FOR THE RESPONDENT NO.3:

MR. P.S. NARAYANA
MR. L. PRABHAKAR REDDY

W.P. No. 111 of 1996 :

Between:

Motlakunta Anasuya

AND

Petitioner

1. The Union of India, Ministry of Home Affairs, Central Secretariat, New Delhi, rep. by its Secretary
2. The District Forum (Under Consumer Protection Act, 1986) , Medak District, Sangareddy – 502 001.
3. Sri Dundigalla Narasimhulu
(Respondent No. 3 dismissed for default as per Court Order dated 22-3-2000)

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to issue an order or direction, more in the nature of Writ of Mandamus, declaring the Section 27 of the Consumer Protection Act, 1986 as illegal, arbitrary, unjust, and unconstitutional, being violative of Arts. 14,19,21 and 300-A of the Constitution of India, and consequently declaring the order passed by the 2nd respondent in E.P. No. 16 of 1995 in C.D. No. 112/93 dated 30-10-1995 and 6-11-1995 respectively as wholly without jurisdiction, null and void and nonest in the eye of Law.

COUNSEL FOR THE PETITIONER:

MR. P.S. NARAYANA

W.P. No. 8182 of 1996 :

Between:

Smt. Mankal Krishna Kumari

AND

Petitioner

W.P. No. 14207 of 1996 :

Between:

1. M/s. Soubhagya Constructions, Engineers & Contractors, Secunderabad
Rep. by Sri M. Ravichandran
2. M. Ravichandran, Partner, M/s. Soubhagya Constructions, Engineers & Contractors, Secunderabad
3. Marga Bandhu, Partner, M/s. Soubhagya Constructions, Engineers & Contractors, Secunderabad

Petitioners

AND

1. State Consumer Redressal Commission, Anandnagar, Khairatabad, Hyderabad
2. Smt. M. Mangala
3. Union of India, rep. by Secretary, Ministry of Law Justice & Company Affairs,
Department of Company Affairs, New Delhi

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to issue an appropriate writ, order or direction more particularly one in the nature of;

- a) Mandamus declaring the Section 27 of the Consumer Protection Act 1986 (Act 68 of 1986) is unconstitutional, arbitrary and violative of Article, 14 and 21 of the Constitution of India and to struck down the same;
- b) Certiorari to call for the records relating to the proceedings in C.D. No.1/92 dated 9-5-1995 and the orders in E.P. No.1/96 dated 10-6-1996 of the 1st respondent and to quash the same as the said orders are without jurisdiction and illegal.

COUNSEL FOR THE PETITIONERS:
COUNSEL FOR THE RESPONDENT NO.2:

MR. K.V. SATYANARAYANA
MR. V.S. RAJU

W.P. No. 26181 of 1997 :

Between:

1. M/s. Arunodaya Finance Corporation, Tilak Road, Sadasivpet, Medak District
Rep. by its Managing Partner, Sri Nizampuram Srinivas.
2. Nizampuram Venkatesham

Petitioners

AND

1. The Union of India, Ministry of Home Affairs, Central Secretariat, New Delhi, rep. by its Secretary
2. The District Forum under the Consumer Protection Act, 1986, Medak District at Sangareddy-502 001, rep. by its President
3. Mankali Venkata Anjamma W/o. M.V. Bharthiah, H.No. 15-5-648, Ashok Bazar, Hyderabad
4. Sri B. Prakasham, S/o. Anjaiah, Near Prabhu Mandir, Sadasivpet, Medak District

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to issue a Writ, order or direction, more in the nature of Writ of Mandamus, declaring the Section 27 of the Consumer Protection Act, 1986 as illegal, arbitrary, unjust, and unconstitutional, being violative of Arts. 14, 19, 21 and 300-A of the Constitution of India, and consequently declaring the order passed by the 2nd respondent in E.P. No.2 of 1997 in O.P.No. 120 of 1996 dated 21-7-1997 as wholly without jurisdiction, null and void and nonest in the eye of Law.

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to issue an order or direction, more in the nature of Writ of Mandamus, declaring the Section 27 of the Consumer Protection Act, 1986 as illegal, arbitrary, unjust, and unconstitutional, being violative of Arts. 14, 19, 21 and 300-A of the Constitution of India, and consequently declaring the order passed by the 2nd respondent in E.P. No. 33 of 1995 in O.P. No. 56 of 1994, dated 26-2-1996 as wholly without jurisdiction, null and void and nonest in the eye of Law.

COUNSEL FOR THE PETITIONER:
COUNSEL FOR THE RESPONDENT NO.1:

MR. P.S. NARAYANA
MR. P. BHASKAR MOHAN,
ADDITIONAL S.C. FOR C.G.

W.P. No. 8228 of 1996 :

Between:

Smt. Mankal Krishna Kumari

AND

Petitioner

1. The Union of India, Ministry of Home Affairs, Central Secretariat, New Delhi, rep. by its Secretary
2. The District Forum (Under Consumer Protection Act) , Medak District, Sangareddy – 502 001.
3. Kum. L. Vandana

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to issue an order or direction, more in the nature of Writ of Mandamus, declaring the Section 27 of the Consumer Protection Act, 1986 as illegal, arbitrary, unjust, and unconstitutional, being violative of Arts. 14, 19, 21 and 300-A of the Constitution of India, and consequently declaring the order passed by the 2nd respondent in E.P. No. 31 of 1995 in O.P. No. 54 of 1994, dated 26-2-1996 as wholly without jurisdiction, null and void and nonest in the eye of Law.

COUNSEL FOR THE PETITIONER:
COUNSEL FOR THE RESPONDENT NO.1:

MR. P.S. NARAYANA
MR. L. RAVI CHANDRA
ADDL. S.C. FOR C.G.

W.P. No. 8229 of 1996 :

Between:

Smt. Mankal Krishna Kumari

AND

Petitioner

1. The Union of India, Ministry of Home Affairs, Central Secretariat, New Delhi, rep. by its Secretary
2. The District Forum (Under Consumer Protection Act) , Medak District, Sangareddy – 502 001.
3. L. Swathi

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to issue an order or direction, more in the nature of Writ of Mandamus, declaring the Section 27 of the Consumer Protection Act, 1986 as illegal, arbitrary, unjust, and unconstitutional, being violative of Arts. 14, 19, 21 and 300-A of the Constitution of India, and consequently declaring the order passed by the 2nd respondent in E.P. No. 34 of 1995 in O.P. No. 57 of 1994, dated 26-2-1996 as wholly without jurisdiction, null and void and nonest in the eye of Law.

COUNSEL FOR THE PETITIONER:
COUNSEL FOR THE RESPONDENT NO.1:

MR. P.S. NARAYANA
MR. L. RAVI CHANDRA
ADDL. S.C. FOR C.G.

W.P. No. 14004 of 1998 :

Between:

Smt. Motlakunta Anasuya

Petitioner

AND

1. The Union of India, Ministry of Home Affairs, Central Secretariat, New Delhi, rep. by its Secretary
2. The District Forum under the Consumer Protection Act, 1986, Medak District at Sangareddy-502 001, rep. by its President
3. Diddige Girija Rani, W/o. D. Siva Kumar, R/o. Sankarpalli, R.R. District
4. The Superintendent of Police, Medak District at Sangareddy.

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to issue a Writ, order or direction, more in the nature of Writ of Mandamus, declaring the Section 27 of the Consumer Protection Act, 1986 as illegal, arbitrary, unjust, and unconstitutional, being violative of Arts. 14, 19, 21 and 300-A of the Constitution of India, and consequently declaring the order passed by the 2nd respondent in E.P. No.68 of 1996 in O.P.No. 32 of 1996 vide Dis.No. 56/98 dated 15/16-4-1998 issued by the 2nd respondent, as wholly without jurisdiction, null and void and nonest in the eye of Law.

COUNSEL FOR THE PETITIONER:

MR. P.S. NARAYANA

COUNSEL FOR THE RESPONDENT NO.3:

MR. L. PRABHAKAR REDDY

W.P. No. 22902 of 1998:

Between:

1. K. Jagan Mohan Gupta
2. K. Nirmala Gupta

Petitioner

AND

1. Consumer Disputes Redressal Forum, Hyderabad District-I, Hyderabad
2. Dr. Kamal Kumar Kalaskar, S/o. K. Satya Kumar, R/o. 4-6-384, Esamia Bazar, Hyderabad
3. Mrs. K. Lakshmi, W/o. Dr. K. Kamal Kumar, R/o. 4-6-384, Esamia Bazar, Hyderabad

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to issue writ of Certiorari or any other appropriate writ and quash the order of the first respondent in P.P.No. 74 of 98 in O.P. No.1204 of 1997, on the file of the first respondent.

COUNSEL FOR THE PETITIONERS:

MR. VEDULA VENKATARAMANA

COUNSEL FOR THE RESPONDENTS 2 & 3:

MR. NEELI ASHOK KUMAR

W.P. No. 12986 of 1999 :

Between:

M/s. Subbaraya Constructions, Visakhapatnam
Rep. by its Managing Partner, Smt. P. Nirmala Devi

Petitioner

AND

1. The Union of India, rep. by its Principal Secretary (LAW), New Delhi
2. The District Consumer Forum, Visakhapatnam
3. Philip Dennison Hawes

COUNSEL FOR THE PETITIONERS:
COUNSEL FOR THE RESPONDENT NO.3:

MR. P.S. NARAYANA
MR. L. PRABHAKAR REDDY

W.P. No. 26193 of 1997 :

Between:

1. M/s. Arunodaya Finance Corporation, Tilak Road, Sadasivpet, Medak District
Rep. by its Managing Partner, Sri Nizampuram Srinivas.
2. Nizampuram Venkatesham

Petitioners

AND

1. The Union of India, Ministry of Home Affairs, Central Secretariat, New Delhi, rep. by its Secretary
2. The District Forum under the Consumer Protection Act, 1986, Medak District at Sangareddy-502 001, rep. by its President
3. Mankali Venkata Padmavathi W/o. M.V. Surya Prakash, H.No. 15-5-648, Ashok Bazar, Hyderabad
4. Sri B. Prakasham, S/o. Anjaiah, Near Prabhu Mandir, Sadasivpet, Medak District

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to issue a Writ, order or direction, more in the nature of Writ of Mandamus, declaring the Section 27 of the Consumer Protection Act, 1986 as illegal, arbitrary, unjust, and unconstitutional, being violative of Arts. 14, 19, 21 and 300-A of the Constitution of India, and consequently declaring the order passed by the 2nd respondent in E.P. No.3 of 1997 in O.P.No. 121 of 1996 dated 21-7-1997 as wholly without jurisdiction, null and void and nonest in the eye of Law.

COUNSEL FOR THE PETITIONERS:
COUNSEL FOR THE RESPONDENT NO.3:

MR. P.S. NARAYANA
MR. L. PRABHAKAR REDDY

W.P. No. 13785 of 1998 :

Between:

N. Venkatesham

Petitioner

AND

1. The Union of India, Ministry of Home Affairs, Central Secretariat, New Delhi, rep. by its Secretary
2. The District Forum under the Consumer Protection Act, 1986, Medak District at Sangareddy-502 001, rep. by its President
3. Diddige Girija Rani W/o. D. Siva Kumar, R/o. Sankarpalli, R.R. District
4. Sri B. Prakasham, S/o. Anjaiah, Near Prabhu Mandir, Sadasivpet, Medak District
5. The Superintendent of Police, Medak District at Sangareddy.

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to issue a Writ, order or direction, more in the nature of Writ of Mandamus, declaring the Section 27 of the Consumer Protection Act, 1986 as illegal, arbitrary, unjust, and unconstitutional, being violative of Arts. 14, 19, 21 and 300-A of the Constitution of India, and consequently declaring the order passed by the 2nd respondent in E.P. No.38 of 1997 in O.P.No. 19 of 1997 vide Dis.No. 172/98 dated 22-4-1998 issued by the 2nd respondent, as wholly without jurisdiction, null and void and nonest in the eye of Law.

COUNSEL FOR THE PETITIONER:
COUNSEL FOR THE RESPONDENT NO.3:

MR. P.S. NARAYANA
MR. L. PRABHAKAR REDDY

- a) issue any appropriate writ order or directions declaring that the proviso to 27 of the Consumer Protection Act, 1986 is unconstitutional and consequently
- b) to quashing the order of the second Respondent passed in EP No.13/96 against OP No.101/94, EP No. 14/96 against O.P No.102/94, EP No.15/96 against OP No.103/94, EP No.16/96 against OP No. 104/94, EP No.10/96 against O.P. No.105/94 all dated 2-7-1997 and U.S.R. No. 679/97, 681/97, 678/97, 677/97, 682/97, 680/97 all dated 31-12-1997.

COUNSEL FOR THE PETITIONER:
COUNSEL FOR THE RESPONDENT NO.1:

MR. G. DHARMA RAO
MR. C. SREENIVAS

W.P. No. 15165 of 1999 :

Between:

M/s. Sree Padmalaya Chit Fund Private Limited, Khairatabad, Hyderabad
Rep. by Managing Director, Sri K. Suryanarayana

Petitioner

AND

1. The Consumer Disputes Redressal Forum, Hyderabad District-I, Hyderabad
2. Smt. R. Bharathi W/o. R.S. Raju, H.No. 9-124/1, Vijayapuri, Near S.B.I. Colony, Kothapeta, Hyderabad
3. The Union of India, rep. by its Secretary, Ministry of Consumer Forums, Ministry of Civil Supplies, Government of India, New Delhi

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to pass an order or direction of writ under Article 226 of the Constitution of India, more particularly one in the nature of Writ of Mandamus

- a) declaring the section 27 of the Consumer Protection Act, 1986 (Act. 68 of 1986) as un-constitutional, arbitrary and violative of Art. 14 and 21 of the Constitution of India and struck down the same and
- b) to call for the records relating to the proceedings in P.P. 17/98 in O.P.No.976/95 dated 22-6-1998 passed by the first respondent and quash the same as illegal and without jurisdiction.

COUNSEL FOR THE PETITIONER:
COUNSEL FOR THE RESPONDENT NO.2:
COUNSEL FOR THE RESPONDENT NO.3:

MR. C. DAMODAR REDDY
MR. B. VISWANATH REDDY
G.P. FOR CIVIL SUPPLIES

W.P. No. 15173 of 1999:

Between:

M/s. Sree Padmalaya Chit Fund Private Limited, Khairatabad, Hyderabad
Rep. by Managing Director, Sri K. Suryanarayana

Petitioner

AND

1. The Consumer Disputes Redressal Forum, Hyderabad District-I, Hyderabad
2. Sri V.A. Sukhla, H.No. A-930, HAL Colony, Hyderabad.
3. The Union of India, rep. by its Secretary, Ministry of Consumer Forums, Ministry of Civil Supplies, Government of India, New Delhi

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to pass an order or direction of writ under Article 226 of the Constitution of India, more particularly one in the nature of Writ of Mandamus

4. Mrs. Beverley Ann Fenwick

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to issue an order or direction, more in the nature of Writ of Mandamus, declaring the Section 27 of the Consumer Protection Act, (Act 68 of 1986), without contemplating the procedural Rules thereunder, is violative of Arts. 14, 19, 21 and 300-A of the Constitution of India, and consequently declare the action of the 2nd respondent in issuing warrant of arrest in P.P. No. 5 of 1999 in O.P. No. 508 of 1995, dated 20-3-1999 to the Managing Partner of petitioner Construction who is woman, without following the procedure known to law is highly arbitrary, unjust and is opposed to the principles of natural justice, equity and fair play.

COUNSEL FOR THE PETITIONER:
COUNSEL FOR THE RESPONDENT NO.3 & 4:

MR. P. RAJA SEKHAR
MR. CH. DHANANJAYA

W.P. No. 13666 of 1999:

Between:

M/s. Sree Padmalaya Chit Fund Private Limited, Khairatabad, Hyderabad
Rep. by Director, Smt. M. Satyavathi

Petitioner

AND

1. The Consumer Disputes Redressal Forum, Hyderabad District-I, Hyderabad
2. Smt. V. Vimala, W/o. Brahmananda Rao, R/o. MIG-1745, Nellagandla Village, B.H.E.L., Ramachandrapuram, Hyderabad
3. The Union of India, rep. by its Secretary, Ministry of Consumer Forums, Ministry of Civil Supplies, Government of India, New Delhi

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to pass an order or direction of writ under Article 226 of the Constitution of India, more particularly one in the nature of Writ of Mandamus

- a) declaring the section 27 of the Consumer Protection Act, 1986 (Act. 68 of 1986) as un-constitutional, arbitrary and violative of Art. 14 and 21 of the Constitution of India and struck down the same and
- b) to call for the records relating to the proceedings in I.A.NO. 821/96 in O.P.No.174/95 dated 10-9-1997 passed by the first respondent and quash the same as illegal and without jurisdiction.

COUNSEL FOR THE PETITIONER:
COUNSEL FOR THE RESPONDENT NO.3:

MR. C. DAMODAR REDDY
MR. POSANI VENKATESWARLU

W.P. No. 14492 of 1999 :

Between:

Sri Parmjit Singh

Petitioner

AND

1. Union of India, rep. by Secretary, Food and Civil Supplies, Udyog Bhavan, New Delhi
2. The Andhra Pradesh State Consumer Disputes Redressal Forum, Khairatabad, Anandnagar, Hyderabad - 500 004.

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to

COUNSEL FOR THE PETITIONER:
 COUNSEL FOR THE RESPONDENT NO.1:
 COUNSEL FOR THE RESPONDENT NO.2:
 COUNSEL FOR THE RESPONDENT NO.3:

MR. P.M. GOPAL RAO
 M. PADMA LATHA YADAV
 G.P. FOR CIVIL SUPPLIES
 MR. PRATAP NARAYAN SANGHI

W.P. No. 20117 of 1999 :

Between:

Humnabad Shivachidambaraiah

Petitioner

AND

1. The Union of India, rep. by its Principal Secretary (LAW), New Delhi
2. The District Forum (Under Consumer Protection Act) Sangareddy, Medak District
3. Smt. Chilvari Janabai, W/o. Narsimulu, Ibrahimbad Village, Via Siripuram, Narsapur Mandal, Medak District

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to issue a Writ Order or Direction particularly one in the nature of Writ of Mandamus, by declaring the power of penalties under Section 27 of the Consumer Protection Act, without contemplating the procedural Rules thereunder, is violative of Articles 14 & 19 of the Constitution of India, and consequentially declare the action of the 2nd Respondent in issuing warrant of notice in P.P. No.5/99 in O.P. No.168/97 on the file of the District Forum, Medak, Sangareddy to the petitioner without following the procedure known to law is highly arbitrary, unjust and is opposed to the Principles of Natural Justice, equity and fairplay.

COUNSEL FOR THE PETITIONER:
 COUNSEL FOR THE RESPONDENT NO.1:

MR. M.S.N. PRASAD
 MR. R. RAVI KUMAR,
 ADDL. S.C. FOR C.G.

W.P. No. 1490 of 2000:

Between:

Ch. Bhupal Goud alias Biksham

Petitioner

AND

1. The Scientific Advisor to Rakshamantri and Director General, DRDO
2. The Director, Defence Research and Development Laboratory, Kanchanbagh, Hyderabad.
3. The Registrar, Central Administrative Tribunal, Hyderabad.

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to issue a writ, order or direction particularly one in the nature of writ of certiorari calling for the records related the order passed in OA 984/97 and in MA No. 894/98 dated 11-8-1999 on the file of the Central Administrative Tribunal, Hyderabad and quash the same and allow the OA with all consequential benefits.

COUNSEL FOR THE PETITIONER:
 COUNSEL FOR THE RESPONDENT NO.1 &2:

MR. S. LAKSHMA REDDY
 MR. GUMMALLA VIJAYA KUMAR

These batch of writ petitions coming on for hearing, upon perusing the petition and the affidavit filed in support thereof and the order of the High Court dated 22-3-2001 made herein and upon hearing the arguments of above said counsel, the Court made the following

- a) declaring the section 27 of the Consumer Protection Act, 1986 (Act. 68 of 1986) as un-constitutional, arbitrary and violative of Art. 14 and 21 of the Constitution of India and struck down the same and
- b) to call for the records relating to the proceedings in I.A.No. 50/97 in CD No. 668/94 dated 10-9-97 passed by the first respondent and quash the same as illegal and without jurisdiction.

COUNSEL FOR THE PETITIONER:
COUNSEL FOR THE RESPONDENT NO. 1:

MR. C. DAMODAR REDDY
G.P. FOR CIVIL SUPPLIES

W.P. No. 19389 of 1999 :

Between:

Smt. T. Hyma

Petitioner

AND

1. The District Consumer Forum, Warangal, Warangal District
2. Cholleti Susheela, W/o. Thirupathi Reddy, H.No.3-18, Post, Potireddypet, Huzurabad Mandal, Karimnagar District
3. The Union of India, rep. by its Secretary, Ministry of Consumer Forums, Ministry of Civil Supplies, Government of India, New Delhi

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to pass an order or direction of writ under Article 226 of the Constitution of India, more particularly one in the nature of Writ of Mandamus

- a) declaring the section 27 of the Consumer Protection Act, 1986 (Act. 68 of 1986) as un-constitutional, arbitrary and violative of Art. 14 and 21 of the Constitution of India and struck down the same and
- b) to call for the records relating to the proceedings in P.P. 9/99 in C.D.No.50/98 dated 28-8-1999 passed by the first respondent and quash the same as illegal and without jurisdiction.

COUNSEL FOR THE PETITIONER:
COUNSEL FOR THE RESPONDENT NO.2:

MR. B. VINOD KUMAR
MR. T. RAMULU

W.P. No. 19482 of 1999 :

Between:

V. Nanda Kumar

Petitioner

AND

1. The Union of India, rep. by its Principal Secretary (LAW), New Delhi
2. The District Consumer Forum, Srikakulam, rep. by President
3. Sri Sidda Bhairavi Coir Industries, rep. by its Manager Sri L. Diwakar Rao, Birusuvada, Sompeta Mandal, Srikakulam

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to issue a Writ Order or Direction particularly one in the nature of Writ of Mandamus, by declaring the power of penalties under Section 27 of the Consumer Protection Act, without contemplating the procedural Rules thereunder, is violative of Articles 14 & 19 of the Constitution of India, and consequentially declare the action of the 2nd Respondent in issuing warrant of arrest in E.P. No.20/97 in O.P. No.168/95 dated 1-7-1999 on the file of the District Forum, Srikakulam to the petitioner without following the procedure known to law is highly arbitrary, unjust and is opposed to the Principles of Natural Justice, equity and fairplay.

ORDER:

" Some of the petitioners in W.P.Nos.29432/95, 29434/95, 29435/95, 13785/98 and 14004/98 have deposited the amounts in terms of the order dated 22-3-2001 passed by this Court. The Claimants-Respondents are at liberty to withdraw those amounts. In cases in which amount have not been deposited one week's further time is prayed for. We grant two weeks' time, but make it clear that if the deposits are not made within two weeks, the interim order granted by this Court staying arrest of the petitioners shall stand vacated.

List after two weeks."

Sd/- SULTANA BEGUM
ASSISTANT REGISTRAR

// TRUE COPY //

To

for ASSISTANT REGISTRAR

1. The Secretary, Union of India, Ministry of Home Affairs, Central Secretariat, New Delhi.
2. The President, District Forum under the Consumer Protection Act, 1986, Sangareddy, Medak District -502 001
5. The Superintendent of Police, Sangareddy, Medak District
6. The Consumer Disputes Redressal Forum, Hyderabad District-I, Hyderabad
7. The Secretary, Union of India, Ministry of Consumer Forums, Ministry of Civil Supplies, Government of India, New Delhi
8. The District Consumer Forum, Warangal, Warangal District
9. The Principal Secretary (LAW), Union of India, New Delhi
10. The President, District Consumer Forum, Srikakulam, Srikakulam District
11. The District Forum (Under Consumer Protection Act) Sangareddy, Medak District
12. The Secretary, Union of India, Food and Civil Supplies, Udyog Bhavan, New Delhi
13. The Andhra Pradesh State Consumer Disputes Redressal Forum, Khairatabad, Anandnagar, Hyderabad - 500 004.
14. The State Consumer Redressal Commission, Anandnagar, Khairatabad, Hyderabad
15. The Secretary, Union of India, Ministry of Law Justice & Company Affairs, Department of Company Affairs, New Delhi
16. The District Consumer Forum, Visakhapatnam, Visakhapatnam District
17. The Scientific Advisor to Rakshamantri and Director General, DRDO
18. The Director, Defence Research and Development Laboratory, Kanchanbagh, Hyderabad.
19. The Register, Central Administrative Tribunal, Hyderabad.
20. Two CCs to G.P. for Panchayat Raj & Rural Development, High Court of A.P., Hyderabad (OUT)
21. Two CCs to G.P. for Transport, High Court of A.P., Hyderabad (OUT)
22. Two CCs to G.P. for Civil Supplies, High Court of A.P., Hyderabad (OUT)
23. Two Spare Copies.

MSR

24 more cc to Mr. P. N. Narayana Sastry
Advocate General

2. The District Forum under the Consumer Protection Act, 1986, Medak District at Sangareddy-502 001, rep. by its President
3. Mankali Venkata Anjanima W/o. M.V. Bhimanna, H.No. 10-4-448, Ashok Bazar, Hyderabad
4. Sri B. Prakasham, S/o. Anjaiah, Near Prabhu Mandir, Sadasivpet, Medak District

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to issue a Writ, order or direction, more in the nature of Writ of Mandamus, declaring the Section 27 of the Consumer Protection Act, 1986 as illegal, arbitrary, unjust, and unconstitutional, being violative of Arts. 14, 19, 21 and 300-A of the Constitution of India, and consequently declaring the order passed by the 2nd respondent in E.P. No.2 of 1997 in O.P. No. 120 of 1996 dated 21-7-1997 as wholly without jurisdiction, null and void and nonest in the eye of Law.

COUNSEL FOR THE PETITIONERS
COUNSEL FOR THE RESPONDENT NO.3.

MR. P.S. NARAYANA
MR. L. PRABHAKAR REDDY

W.P. No. 26193 of 1997 :

Between:

1. M/s. Arunodaya Finance Corporation, Tilak Road, Sadasivpet, Medak District
Rep. by its Managing Partner, Sri Nizampuram Srinivas.
2. Nizampuram Venkatesham

Petitioners

AND

1. The Union of India, Ministry of Home Affairs, Central Secretariat, New Delhi, rep. by its Secretary
2. The District Forum under the Consumer Protection Act, 1986, Medak District at Sangareddy-502 001, rep. by its President
3. Mankali Venkata Padmavathi W/o. M.V. Surya Prakash, H.No. 15-5-648, Ashok Bazar, Hyderabad
4. Sri B. Prakasham, S/o. Anjaiah, Near Prabhu Mandir, Sadasivpet, Medak District

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to issue a Writ, order or direction, more in the nature of Writ of Mandamus, declaring the Section 27 of the Consumer Protection Act, 1986 as illegal, arbitrary, unjust, and unconstitutional, being violative of Arts. 14, 19, 21 and 300-A of the Constitution of India, and consequently declaring the order passed by the 2nd respondent in E.P. No.3 of 1997 in O.P. No. 121 of 1996 dated 21-7-1997 as wholly without jurisdiction, null and void and nonest in the eye of Law.

COUNSEL FOR THE PETITIONERS:
COUNSEL FOR THE RESPONDENT NO.3:

MR. P.S. NARAYANA
MR. L. PRABHAKAR REDDY

W.P. No. 13785 of 1998 :

Between:

N. Venkatesham

Petitioner

AND

1. The Union of India, Ministry of Home Affairs, Central Secretariat, New Delhi, rep. by its Secretary
2. The District Forum under the Consumer Protection Act, 1986, Medak District at Sangareddy-502 001, rep. by its President
3. Diddige Girija Rani W/o. D. Siva Kumar, R/o. Sankarpalli, R.R. District

DRB
25/4

**IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD**
(SPECIAL ORIGINAL JURISDICTION)

THURSDAY THE TWENTY SECOND DAY OF MARCH, TWO THOUSAND ONE

: PRESENT:

THE HON'BLE MR. JUSTICE: BILAL NAZKI
AND
THE HON'BLE MR. JUSTICE: ELIPE DHARMA RAO

W.P. NOS :

26175/97, 26181/97, 26193/97, 13785/98, 14004/98, 22902/98, 13666/99, 15165/99,
15173/99, 19389/99, 19482/99, 20117/99, 14492/99, 14207/96, 8185/96, 8186/96,
8182/96, 8228/96, 8229/96, 12986/9, 29437/95, 29435/95, 29438/95, 29433/95,
29436/95, 29440/95, 29434/95, 29432/95, 20539/95, 111/96, 1490/2000

W.P. No. 26175 of 1997:

Between:

1. M/s. Arunodaya Finance Corporation, Tilak Road, Sadasivpet, Medak District
Rep. by its Managing Partner, Sri Nizampuram Srinivas.
2. Nizampuram Venkatesham

Petitioners

AND

1. The Union of India, Ministry of Home Affairs, Central Secretariat, New Delhi, rep.
by its Secretary
2. The District Forum under the Consumer Protection Act, 1986, Medak District at
Sangareddy-502 001, rep. by its President
3. Mankali Venkata Shravanthi (MINOR), Rep. by her Natural Father Sri M.V. Surya
Prakash, S/o. M.V. Bharthiah, H.No. 15-5-648, Ashok Bazar, Hyderabad
4. Sri B. Prakasham, S/o. Anjaiah, Near Prabhu Mandir, Sadasivpet, Medak District

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to issue a Writ, order or direction, more in the nature of Writ of Mandamus, declaring the Section 27 of the Consumer Protection Act, 1986 as illegal, arbitrary, unjust, and unconstitutional, being violative of Arts. 14, 19, 21 and 300-A of the Constitution of India, and consequently declaring the order passed by the 2nd respondent in E.P. No.4 of 1997 in O.P.No. 122 of 1996 dated 21-7-1997 as wholly without jurisdiction, null and void and nonest in the eye of Law.

COUNSEL FOR THE PETITIONERS:
COUNSEL FOR THE RESPONDENT No.3:

MR. P.S. NARAYANA
MR. L. PRABHAKAR REDDY

W.P. No. 26181 of 1997 :

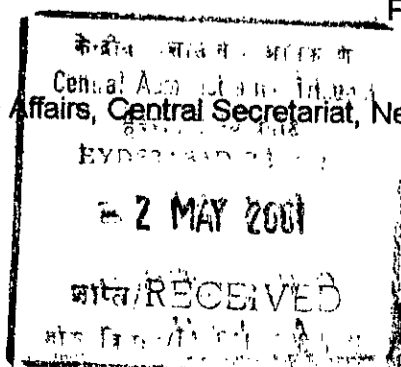
Between:

1. M/s. Arunodaya Finance Corporation, Tilak Road, Sadasivpet, Medak District
Rep. by its Managing Partner, Sri Nizampuram Srinivas.
2. Nizampuram Venkatesham

Petitioners

AND

1. The Union of India, Ministry of Home Affairs, Central Secretariat, New Delhi, rep.
by its Secretary



COUNSEL FOR THE PETITIONERS:

MR. VEDULA VENKATARAMANA
(NOT APPEARED)
MR. N. ASHOK KUMAR

COUNSEL FOR THE RESPONDENTS 2 & 3:

W.P. No. 13666 of 1999:

Between:

M/s. Sree Padmalaya Chit Fund Private Limited, Khairatabad, Hyderabad
Rep. by Director, Smt. M. Satyavathi

Petitioner

AND

1. The Consumer Disputes Redressal Forum, Hyderabad District-I, Hyderabad
2. Smt. V. Vimala, W/o. Brahmananda Rao, R/o. MIG-1745, Nellagandla Village, B.H.E.L., Ramachandrapuram, Hyderabad
3. The Union of India, rep. by its Secretary, Ministry of Consumer Forums, Ministry of Civil Supplies, Government of India, New Delhi

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to pass an order or direction of writ under Article 226 of the Constitution of India, more particularly one in the nature of Writ of Mandamus

- a) declaring the section 27 of the Consumer Protection Act, 1986 (Act. 68 of 1986) as un-constitutional, arbitrary and violative of Art. 14 and 21 of the Constitution of India and struck down the same and
- b) to call for the records relating to the proceedings in I.A.NO. 821/96 in O.P.No.174/95 dated 10-9-1997 passed by the first respondent and quash the same as illegal and without jurisdiction.

COUNSEL FOR THE PETITIONER:

MR. C. DAMODAR REDDY.
(NOT APPEARED)

COUNSEL FOR THE RESPONDENT NO.3:

MR. POSANI VENKATESWARLU

W.P. No. 15165 of 1999 :

Between:

M/s. Sree Padmalaya Chit Fund Private Limited, Khairatabad, Hyderabad
Rep. by Managing Director, Sri K. Suryanarayana

Petitioner

AND

1. The Consumer Disputes Redressal Forum, Hyderabad District-I, Hyderabad
2. Smt. R. Bharathi W/o. R.S. Raju, H.No. 9-124/1, Vijayapuri, Near S.B.I. Colony, Kothapeta, Hyderabad
3. The Union of India, rep. by its Secretary, Ministry of Consumer Forums, Ministry of Civil Supplies, Government of India, New Delhi

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to pass an order or direction of writ under Article 226 of the Constitution of India, more particularly one in the nature of Writ of Mandamus

- a) declaring the section 27 of the Consumer Protection Act, 1986 (Act. 68 of 1986) as un-constitutional, arbitrary and violative of Art. 14 and 21 of the Constitution of India and struck down the same and
- b) to call for the records relating to the proceedings in P.P. 17/98 in O.P.No.976/95 dated 22-6-1998 passed by the first respondent and quash the same as illegal and without jurisdiction.

4. Sri B. Prakasham, S/o. Anjalah, Near Prabhu Mandir, Sadasivpet, Medak District
5. The Superintendent of Police, Medak District at Sangareddy.

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to issue a Writ, order or direction, more in the nature of Writ of Mandamus, declaring the Section 27 of the Consumer Protection Act, 1986 as illegal, arbitrary, unjust, and unconstitutional, being violative of Arts. 14, 19, 21 and 300-A of the Constitution of India, and consequently declaring the order passed by the 2nd respondent in E.P. No.38 of 1997 in O.P.No. 19 of 1997 vide Dis.No. 172/98 dated 22-4-1998 issued by the 2nd respondent, as wholly without jurisdiction, null and void and nonest in the eye of Law.

COUNSEL FOR THE PETITIONER:

MR. P.S. NARAYANA

W.P. No. 14004 of 1998 :

Between:

Smt. Motlakunta Anasuya

Petitioner

AND

1. The Union of India, Ministry of Home Affairs, Central Secretariat, New Delhi, rep. by its Secretary
2. The District Forum under the Consumer Protection Act, 1986, Medak District at Sangareddy-502 001, rep. by its President
3. Diddige Girija Rani, W/o. D. Siva Kumar, R/o. Sankarpalli, R.R. District
4. The Superintendent of Police, Medak District at Sangareddy.

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to issue a Writ, order or direction, more in the nature of Writ of Mandamus, declaring the Section 27 of the Consumer Protection Act, 1986 as illegal, arbitrary, unjust, and unconstitutional, being violative of Arts. 14, 19, 21 and 300-A of the Constitution of India, and consequently declaring the order passed by the 2nd respondent in E.P. No.68 of 1996 in O.P.No. 32 of 1996 vide Dis.No. 56/98 dated 15/16-4-1998 issued by the 2nd respondent, as wholly without jurisdiction, null and void and nonest in the eye of Law.

COUNSEL FOR THE PETITIONER:

MR. P.S. NARAYANA

W.P. No. 22902 of 1998:

Between:

1. K. Jagan Mohan Gupta
2. K. Nirmala Gupta

Petitioner

AND

1. Consumer Disputes Redressal Forum, Hyderabad District-I, Hyderabad
2. Dr. Kamal Kumar Kalaskar, S/o. K. Satya Kumar, R/o. 4-6-384, Esamia Bazar, Hyderabad
3. Mrs. K. Lakshmi, W/o. Dr. K. Kamal Kumar, R/o. 4-6-384, Esamia Bazar, Hyderabad

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to issue writ of Certiorari or any other appropriate writ and quash the order of the first respondent in P.P.No. 74 of 98 in O.P. No.1204 of 1997, on the file of the first respondent.

W.P. No. 19482 of 1999 :

Between:

V. Nanda Kumar

Petitioner

AND

1. The Union of India, rep. by its Principal Secretary (LAW), New Delhi
2. The District Consumer Forum, Srikakulam, rep. by President
3. Sri Sidda Bhairavi Coir Industries, rep. by its Manager Sri L. Diwakar Rao, Birusuvada, Sompeta Mandal, Srikakulam

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to issue a Writ Order or Direction particularly one in the nature of Writ of Mandamus, by declaring the power of penalties under Section 27 of the Consumer Protection Act, without contemplating the procedural Rules thereunder, is violative of Articles 14 & 19 of the Constitution of India, and consequentially declare the action of the 2nd Respondent in issuing warrant of arrest in E.P. No.20/97 in O.P. No.168/95 dated 1-7-1999 on the file of the District Forum, Srikakulam to the petitioner without following the procedure known to law is highly arbitrary, unjust and is opposed to the Principles of Natural Justice, equity and fairplay.

COUNSEL FOR THE PETITIONER:

MR. P.M. GOPAL RAO
(NOT APPEARED)

COUNSEL FOR THE RESPONDENT NO.1:

M. PADMA LATHA YADAV

COUNSEL FOR THE RESPONDENT NO.3:

MR. PRATAP NARAYAN SANGHI

W.P. No. 20117 of 1999 :

Between:

Humnabad Shivachidambaraiah

Petitioner

AND

1. The Union of India, rep. by its Principal Secretary (LAW), New Delhi
2. The District Forum (Under Consumer Protection Act) Sangareddy, Medak District
3. Smt. Chilvari Janabai, W/o. Narsimulu, Ibrahimbad Village, Via Siripuram, Narsapur Mandal, Medak District

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to issue a Writ Order or Direction particularly one in the nature of Writ of Mandamus, by declaring the power of penalties under Section 27 of the Consumer Protection Act, without contemplating the procedural Rules thereunder, is violative of Articles 14 & 19 of the Constitution of India, and consequentially declare the action of the 2nd Respondent in issuing warrant of notice in P.P. No.5/99 in O.P. No.168/97 on the file of the District Forum, Medak, Sangareddy to the petitioner without following the procedure known to law is highly arbitrary, unjust and is opposed to the Principles of Natural Justice, equity and fairplay.

COUNSEL FOR THE PETITIONER:

MR. M.S.N. PRASAD
(NOT APPEARED)

COUNSEL FOR THE RESPONDENT NO.1:

R. RAVI KUMAR, S.C.

W.P. No. 14492 of 1999 :

Between:

Sri Parmjit Singh

Petitioner

AND

COUNSEL FOR THE PETITIONER:

MR. C. DAMODAR REDDY
(NOT APPEARED)

COUNSEL FOR THE RESPONDENT NO.2:

MR. B. VISWANATH REDDY

W.P. No. 15173 of 1999:

Between:

M/s. Sree Padmalaya Chit Fund Private Limited, Khairatabad, Hyderabad
Rep. by Managing Director, Sri K. Suryanarayana

Petitioner

AND

1. The Consumer Disputes Redressal Forum, Hyderabad District-I, Hyderabad
2. Sri V.A. Sukhla, H.No. A-930, HAL Colony, Hyderabad.
3. The Union of India, rep. by its Secretary, Ministry of Consumer Forums, Ministry of Civil Supplies, Government of India, New Delhi

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to pass an order or direction of writ under Article 226 of the Constitution of India, more particularly one in the nature of Writ of Mandamus

- a) declaring the section 27 of the Consumer Protection Act, 1986 (Act. 68 of 1986) as un-constitutional, arbitrary and violative of Art. 14 and 21 of the Constitution of India and struck down the same and
- b) to call for the records relating to the proceedings in I.A.No. 50/97 in CD No. 668/94 dated 10-9-97 passed by the first respondent and quash the same as illegal and without jurisdiction.

COUNSEL FOR THE PETITIONER:

MR. C. DAMODAR REDDY
(NOT APPEARED)**W.P. No. 19389 of 1999 :**

Between:

Smt. T. Hyma

Petitioner

AND

1. The District Consumer Forum, Warangal, Warangal District
2. Cholleti Susheela, W/o. Thirupathi Reddy, H.No.3-18, Post, Potireddypet, Huzurabad Mandal, Karimnagar District
3. The Union of India, rep. by its Secretary, Ministry of Consumer Forums, Ministry of Civil Supplies, Government of India, New Delhi

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to pass an order or direction of writ under Article 226 of the Constitution of India, more particularly one in the nature of Writ of Mandamus

- a) declaring the section 27 of the Consumer Protection Act, 1986 (Act. 68 of 1986) as un-constitutional, arbitrary and violative of Art. 14 and 21 of the Constitution of India and struck down the same and
- b) to call for the records relating to the proceedings in P.P. 9/99 in C.D.No.50/98 dated 28-8-1999 passed by the first respondent and quash the same as illegal and without jurisdiction.

COUNSEL FOR THE PETITIONER:

MR. B. VINOD KUMAR
(NOT APPEARED)

COUNSEL FOR THE RESPONDENT NO.2:

MR. T. RAMULU

Smt. Mankal Krishna Kumari

Petitioner

AND

1. The Union of India, Ministry of Home Affairs, Central Secretariat, New Delhi, rep. by its Secretary
2. The District Forum (Under Consumer Protection Act) , Medak District, Sangareddy – 502 001.
3. Dr. L. Krishnaiah

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to issue an order or direction, more in the nature of Writ of Mandamus, declaring the Section 27 of the Consumer Protection Act, 1986 as illegal, arbitrary, unjust, and unconstitutional, being violative of Arts. 14,19,21 and 300-A of the Constitution of India, and consequently declaring the order passed by the 2nd respondent in E.P. No. 30 of 1995 in O.P. No.53 of 1994, dated 26-2-1996 as wholly without jurisdiction, null and void and nonest in the eye of Law.

COUNSEL FOR THE PETITIONER:
COUNSEL FOR THE RESPONDENT NO.3:

MR. P.S. NARAYANA
MR. M. RAMA RAO

W.P. No. 8186 of 1996 :

Between:

Smt. Mankal Krishna Kumari

Petitioner

AND

1. The Union of India, Ministry of Home Affairs, Central Secretariat, New Delhi, rep. by its Secretary
2. The District Forum (Under Consumer Protection Act) , Medak District, Sangareddy – 502 001.
3. Master Manalah (MINOR)
(Rep. by Guardian & Maternal Grand Father, Dr. L. Krishnaiah)
(R2 dismissed for default as per Court Order dated 10-4-2000)

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to issue an order or direction, more in the nature of Writ of Mandamus, declaring the Section 27 of the Consumer Protection Act, 1986 as illegal, arbitrary, unjust, and unconstitutional, being violative of Arts. 14,19,21 and 300-A of the Constitution of India, and consequently declaring the order passed by the 2nd respondent in E.P. No. 33 of 1995 in O.P. No.56 of 1994, dated 26-2-1996 as wholly without jurisdiction, null and void and nonest in the eye of Law.

COUNSEL FOR THE PETITIONER:
COUNSEL FOR THE RESPONDENT NO.1:

MR. P.S. NARAYANA
MR. P. BHASKAR MOHAN,
ADDITIONAL S.C. FOR C.G.

W.P. No. 8182 of 1996 :

Between:

Smt. Mankal Krishna Kumari

Petitioner

AND

1. The Union of India, Ministry of Home Affairs, Central Secretariat, New Delhi, rep. by its Secretary
2. The District Forum (Under Consumer Protection Act) , Medak District, Sangareddy – 502 001.

1. Union of India, rep. by Secretary, Food and Civil Supplies, Udyog Bhavan, New Delhi
2. The Andhra Pradesh State Consumer Disputes Redressal Forum, Khairatabad, Anandnagar, Hyderabad – 500 004.

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to

- a) issue any appropriate writ order or directions declaring that the proviso to 27 of the Consumer Protection Act, 1986 is unconstitutional and consequently
- b) to quashing the order of the second Respondent passed in EP No.13/96 against OP No.101/94, EP No. 14/96 against O.P No.102/94, EP No.15/96 against OP No.103/94, EP No.16/96 against OP No. 104/94, EP No.10/96 against O.P. No.105/94 all dated 2-7-1997 and U.S.R. No. 679/97, 681/97, 678/97, 677/97, 682/97, 680/97 all dated 31-12-1997.

COUNSEL FOR THE PETITIONER:

MR. G. DHARMA RAO
(NOT APPEARED)

COUNSEL FOR THE RESPONDENT NO.1:

MR. C. SREENIVAS

W.P. No. 14207 of 1996 :

Between:

1. M/s. Soubhagya Constructions, Engineers & Contractors, Secunderabad
Rep. by Sri M. Ravichandran
2. M. Ravichandran, Partner, M/s. Soubhagya Constructions, Engineers & Contractors, Secunderabad
3. Marga Bandhu, Partner, M/s. Soubhagya Constructions, Engineers & Contractors, Secunderabad

Petitioners

AND

1. State Consumer Redressal Commission, Anandnagar, Khairatabad, Hyderabad
2. Smt. M. Mangala
3. Union of India, rep. by Secretary, Ministry of Law Justice & Company Affairs, Department of Company Affairs, New Delhi

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to issue an appropriate writ, order or direction more particularly one in the nature of;

- a) Mandamus declaring the Section 27 of the Consumer Protection Act 1986 (Act 68 of 1986) is unconstitutional, arbitrary and violative of Article, 14 and 21 of the Constitution of India and to struck down the same;
- b) Certiorari to call for the records relating to the proceedings in C.D. No.1/92 dated 9-5-1995 and the orders in E.P. No.1/96 dated 10-6-1996 of the 1st respondent and to quash the same as the said orders are without jurisdiction and illegal.

COUNSEL FOR THE PETITIONERS:

MR. K.V. SATYANARAYANA
(NOT APPEARED)

COUNSEL FOR THE RESPONDENT NO.2:

MR. V.S. RAJU

W.P. No. 8185 of 1996 :

Between:

of 1994, dated 26-2-1996 as wholly without jurisdiction, null and void and nonest in the eye of Law.

COUNSEL FOR THE PETITIONER:
COUNSEL FOR THE RESPONDENT NO.1:

MR. P.S. NARAYANA
ADDL. S.C. FOR C.G.

W.P. No. 12986 of 1999 :

Between:

M/s. Subbaraya Constructions, Visakhapatnam
Rep. by its Managing Partner, Smt. P. Nirmala Devi

Petitioner

AND

1. The Union of India, rep. by its Principal Secretary (LAW), New Delhi
2. The District Consumer Forum, Visakhapatnam
3. Philip Dennison Hawes
4. Mrs. Beverley Ann Fenwick

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to issue an order or direction, more in the nature of Writ of Mandamus, declaring the Section 27 of the Consumer Protection Act, (Act 68 of 1986), without contemplating the procedural Rules thereunder, is violative of Arts. 14, 19, 21 and 300-A of the Constitution of India, and consequently declare the action of the 2nd respondent in issuing warrant of arrest in P.P. No. 5 of 1999 in O.P. No. 508 of 1995, dated 20-3-1999 to the Managing Partner of petitioner Construction who is woman, without following the procedure known to law is highly arbitrary, unjust and is opposed to the principles of natural justice, equity and fair play.

COUNSEL FOR THE PETITIONER:

MR. P. RAJA SEKHAH
(NOT APPEARED)
MR. CH. DHANANJAYA

COUNSEL FOR THE RESPONDENT NO.3 & 4:

W.P. No. 29437 of 1995 :

Between:

Motlakunta Narayana

Petitioner

AND

1. The Union of India, Ministry of Home Affairs, Central Secretariat, New Delhi, rep. by its Secretary
2. The District Forum (Under Consumer Protection Act, 1986), Medak District, Sangareddy - 502 001.
3. G. Prateena (MINOR)
Rep. by her Guardian Sri G. Shanker.

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to issue an order or direction, more in the nature of Writ of Mandamus, declaring the Section 27 of the Consumer Protection Act, 1986 as illegal, arbitrary, unjust, and unconstitutional, being violative of Arts. 14, 19, 21 and 300-A of the Constitution of India, and consequently declaring the order passed by the 2nd respondent in E.P. No. 8 of 1995 in C.D. No. 52/94 dated 30-10-1995 and 6-11-1995 respectively as wholly without jurisdiction, null and void and nonest in the eye of Law.

COUNSEL FOR THE PETITIONER:
COUNSEL FOR THE RESPONDENT NO.1:
COUNSEL FOR THE RESPONDENT NO.3:

MR. P.S. NARAYANA
S.C. FOR C.G.
MR. L. PRABHAKAR REDDY

W.P. No. 29435 of 1995 :

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to issue an order or direction, more in the nature of Writ of Mandamus, declaring the Section 27 of the Consumer Protection Act, 1986 as illegal, arbitrary, unjust, and unconstitutional, being violative of Arts. 14, 19, 21 and 300-A of the Constitution of India, and consequently declaring the order passed by the 2nd respondent in E.P. No. 32 of 1995 in O.P. No. 55 of 1994, dated 26-2-1996 as wholly without jurisdiction, null and void and nonest in the eye of Law.

COUNSEL FOR THE PETITIONER:

MR. P.S. NARAYANA

COUNSEL FOR THE RESPONDENT NO.1:

MR. L. NARASIMHA REDDY S.C.
FOR CENTRAL GOVERNMENT

COUNSEL FOR THE RESPONDENT NO.3:

MR. L. PRABHAKAR REDDY

W.P. No. 8228 of 1996 :

Between:

Smt. Mankal Krishna Kumari

Petitioner

AND

1. The Union of India, Ministry of Home Affairs, Central Secretariat, New Delhi, rep. by its Secretary
2. The District Forum (Under Consumer Protection Act) , Medak District, Sangareddy – 502 001.
3. Kum. L. Vandana

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to issue an order or direction, more in the nature of Writ of Mandamus, declaring the Section 27 of the Consumer Protection Act, 1986 as illegal, arbitrary, unjust, and unconstitutional, being violative of Arts. 14, 19, 21 and 300-A of the Constitution of India, and consequently declaring the order passed by the 2nd respondent in E.P. No. 31 of 1995 in O.P. No. 54 of 1994, dated 26-2-1996 as wholly without jurisdiction, null and void and nonest in the eye of Law.

COUNSEL FOR THE PETITIONER:

MR. P.S. NARAYANA

COUNSEL FOR THE RESPONDENT NO.1:

ADDL. S.C. FOR C.G.

W.P. No. 8229 of 1996 :

Between:

Smt. Mankal Krishna Kumari

Petitioner

AND

1. The Union of India, Ministry of Home Affairs, Central Secretariat, New Delhi, rep. by its Secretary
2. The District Forum (Under Consumer Protection Act) , Medak District, Sangareddy – 502 001.
3. L. Swathi

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to issue an order or direction, more in the nature of Writ of Mandamus, declaring the Section 27 of the Consumer Protection Act, 1986 as illegal, arbitrary, unjust, and unconstitutional, being violative of Arts. 14, 19, 21 and 300-A of the Constitution of India, and consequently declaring the order passed by the 2nd respondent in E.P. No. 34 of 1995 in O.P. No. 57

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to issue an order or direction, more in the nature of Writ of Mandamus, declaring the Section 27 of the Consumer Protection Act, 1986 as illegal, arbitrary, unjust, and unconstitutional, being violative of Arts. 14, 19, 21 and 300-A of the Constitution of India, and consequently declaring the order passed by the 2nd respondent in E.P. No. 22 of 1995 in C.D. No. 114/95 dated 30-10-1995 and 6-11-1995 respectively as wholly without jurisdiction, null and void and nonest in the eye of Law.

COUNSEL FOR THE PETITIONER:
COUNSEL FOR THE RESPONDENT NO.1:

MR. P.S. NARAYANA
S.C. FOR C.G.

W.P. No. 29436 of 1995 :

Between:

Motlakunta Anasuya

AND

Petitioner

1. The Union of India, Ministry of Home Affairs, Central Secretariat, New Delhi, rep. by its Secretary
2. The District Forum (Under Consumer Protection Act, 1986) , Medak District, Sangareddy – 502 001.
3. Smt. N. Gunnamma

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to issue an order or direction, more in the nature of Writ of Mandamus, declaring the Section 27 of the Consumer Protection Act, 1986 as illegal, arbitrary, unjust, and unconstitutional, being violative of Arts. 14, 19, 21 and 300-A of the Constitution of India, and consequently declaring the order passed by the 2nd respondent in E.P. No. 11 of 1995 in C.D. No. 141/93 dated 30-10-1995 and 6-11-1995 respectively as wholly without jurisdiction, null and void and nonest in the eye of Law.

COUNSEL FOR THE PETITIONER:
COUNSEL FOR THE RESPONDENT NO.1:
COUNSEL FOR THE RESPONDENT NO.2:

MR. P.S. NARAYANA
S.C. FOR C.G.
G.P. FOR PANCHAYAT RAJ

W.P. No. 29440 of 1995 :

Between:

Motlakunta Anasuya

AND

Petitioner

1. The Union of India, Ministry of Home Affairs, Central Secretariat, New Delhi, rep. by its Secretary
2. The District Forum (Under Consumer Protection Act, 1986) , Medak District, Sangareddy – 502 001.
3. Smt. Nakka Mallamma

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to issue an order or direction, more in the nature of Writ of Mandamus, declaring the Section 27 of the Consumer Protection Act, 1986 as illegal, arbitrary, unjust, and unconstitutional,

being violative of Arts. 14, 19, 21 and 300-A of the Constitution of India, and consequently declaring the order passed by the 2nd respondent in E.P. No. 5 of 1995 in C.D. No. 155/93 dated 30-10-1995 and 6-11-1995 respectively as wholly without jurisdiction, null and void and nonest in the eye of Law.

COUNSEL FOR THE PETITIONER:
COUNSEL FOR THE RESPONDENT NO.1:
COUNSEL FOR THE RESPONDENT NO.3:

MR. P.S. NARAYANA
S.C. FOR C.G.
L. PRABHAKAR REDDY

Between:

Motlakunta Anasuya

AND

Petitioner

1. The Union of India, Ministry of Home Affairs, Central Secretariat, New Delhi, rep. by its Secretary
2. The District Forum (Under Consumer Protection Act, 1986) , Medak District, Sangareddy – 502 001.
3. K. Kaniyakumari (MINOR) Rep. by her Guardian Sri K. Ramulu.

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to issue an order or direction, more in the nature of Writ of Mandamus, declaring the Section 27 of the Consumer Protection Act, 1986 as illegal, arbitrary, unjust, and unconstitutional, being violative of Arts. 14,19,21 and 300-A of the Constitution of India, and consequently declaring the order passed by the 2nd respondent in E.P. No. 13 of 1995 in C.D. No. 9/95 dated 30-10-1995 and 6-11-1995 respectively as wholly without jurisdiction, null and void and nonest in the eye of Law.

COUNSEL FOR THE PETITIONER:
COUNSEL FOR THE RESPONDENT NO.1:
COUNSEL FOR THE RESPONDENT NO.3:

MR. P.S. NARAYANA
S.C. FOR C.G.
MR. L. PRABHAKAR REDDY

W.P. No. 29438 of 1995 :

Between:

Motlakunta Narayana

AND

Petitioner

1. The Union of India, Ministry of Home Affairs, Central Secretariat, New Delhi, rep. by its Secretary
2. The District Forum (Under Consumer Protection Act, 1986) , Medak District, Sangareddy – 502 001.
3. D. Venkateswarlu (MINOR)
Rep. by his Guardian Sri D. Narasimhulu.

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to issue an order or direction, more in the nature of Writ of Mandamus, declaring the Section 27 of the Consumer Protection Act, 1986 as illegal, arbitrary, unjust, and unconstitutional, being violative of Arts. 14,19,21 and 300-A of the Constitution of India, and consequently declaring the order passed by the 2nd respondent in E.P. No. 10 of 1995 in C.D. No. 115/93 dated 30-10-1995 and 6-11-1995 respectively as wholly without jurisdiction, null and void and nonest in the eye of Law.

COUNSEL FOR THE PETITIONER:
COUNSEL FOR THE RESPONDENT NO.1:
COUNSEL FOR THE RESPONDENT NO.3:

MR. P.S. NARAYANA
S.C. FOR C.G.
MR. L. PRABHAKAR REDDY

W.P. No. 29433 of 1995 :

Between:

Motlakunta Anasuya

AND

Petitioner

1. The Union of India, Ministry of Home Affairs, Central Secretariat, New Delhi, rep. by its Secretary
2. The District Forum (Under Consumer Protection Act, 1986) , Medak District, Sangareddy – 502 001.
3. Sri P. Adviah

Respondents

records pertaining to the order in E.P. No. 17 of 1995 in C.D. No. 14 of 1995 dated 22-8-1995 of the 1st respondent and quash the same, as wholly arbitrary, highly illegal, unjust and constitutional, and also without jurisdiction.

COUNSEL FOR THE PETITIONER:
COUNSEL FOR THE RESPONDENT NO.2:

MR. P.S. NARAYANA
MR. L. PRABHAKAR REDDY

W.P. No. 111 of 1996 :

Between:

Motlakunta Anasuya

Petitioner

AND

1. The Union of India, Ministry of Home Affairs, Central Secretariat, New Delhi, rep. by its Secretary
2. The District Forum (Under Consumer Protection Act, 1986) , Medak District, Sangareddy – 502 001.
3. Sri Dundigalla Narasimhulu
(Respondent No. 3 dismissed for default as per Court Order dated 22-3-2000)

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to issue an order or direction, more in the nature of Writ of Mandamus, declaring the Section 27 of the Consumer Protection Act, 1986 as illegal, arbitrary, unjust, and unconstitutional, being violative of Arts. 14, 19, 21 and 300-A of the Constitution of India, and consequently declaring the order passed by the 2nd respondent in E.P. No. 16 of 1995 in C.D. No. 112/93 dated 30-10-1995 and 6-11-1995 respectively as wholly without jurisdiction, null and void and nonest in the eye of Law.

COUNSEL FOR THE PETITIONER:
COUNSEL FOR THE RESPONDENT NO.1:

MR. P.S. NARAYANA
S.C. FOR C.G.

W.P. No. 1490 of 2000:

Between:

Ch. Bhupal Goud alias Biksham

Petitioner

AND

1. The Scientific Advisor to Rakshamantri and Director General, DRDO
2. The Director, Defence Research and Development Laboratory, Kanchanbagh, Hyderabad.
3. The Register, Central Administrative Tribunal, Hyderabad.

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to issue a writ, order or direction particularly one in the nature of writ of certiorari calling for the records related the order passed in OA 984/97 and in MA No. 894/98 dated 11-8-1999 on the file of the Central Administrative Tribunal, Hyderabad and quash the same and allow the OA with all consequential benefits.

COUNSEL FOR THE PETITIONER:

MR. S. LAKSHMA REDDY
(NOT APPEARED)

COUNSEL FOR THE RESPONDENT NO.1 &2:

MR. GUMMALLA VIJAYA KUMAR

The Court made the following ORDER:

" Heard Mr. P.S. Narayana, learned counsel appearing for petitioners in 19 cases. The counsels in other cases are not present. During the course of hearing of these matters we found that Section 27 of the Consumer Protection Act, 1986 has only been

W.P. No. 29434 of 1995 :

Between:

Motlakunta Anasuya

Petitioner

AND

1. The Union of India, Ministry of Home Affairs, Central Secretariat, New Delhi, rep. by its Secretary
2. The District Forum (Under Consumer Protection Act, 1986) , Medak District, Sangareddy – 502 001.
3. Smt. Sankuri Ambamma

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to issue an order or direction, more in the nature of Writ of Mandamus, declaring the Section 27 of the Consumer Protection Act, 1986 as illegal, arbitrary, unjust, and unconstitutional, being violative of Arts. 14, 19, 21 and 300-A of the Constitution of India, and consequently declaring the order passed by the 2nd respondent in E.P. No. 12 of 1995 in C.D. No. 142/93 dated 30-1-1995 and 6-11-1995 respectively as wholly without jurisdiction, null and void and nonest in the eye of Law.

COUNSEL FOR THE PETITIONER:

MR. P.S. NARAYANA

COUNSEL FOR THE RESPONDENT NO.1:

S.C. FOR C.G.

COUNSEL FOR THE RESPONDENT NO.3:

MR. L. PRABHAKAR REDDY

W.P. No. 29432 of 1995 :

Between:

Motlakunta Anasuya

Petitioner

AND

1. The Union of India, Ministry of Home Affairs, Central Secretariat, New Delhi, rep. by its Secretary
2. The District Forum (Under Consumer Protection Act, 1986) , Medak District, Sangareddy – 502 001.
3. Sri K. Satyanarayana

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to issue an order or direction, more in the nature of Writ of Mandamus, declaring the Section 27 of the Consumer Protection Act, 1986 as illegal, arbitrary, unjust, and unconstitutional, being violative of Arts. 14, 19, 21 and 300-A of the Constitution of India, and consequently declaring the order passed by the 2nd respondent in E.P. No. 14 of 1995 in C.D. No. 10/94 dated 30-10-1995 and 6-11-1995 respectively as wholly without jurisdiction, null and void and nonest in the eye of Law.

COUNSEL FOR THE PETITIONER:

MR. P.S. NARAYANA

COUNSEL FOR THE RESPONDENT NO.1:

S.C. FOR C.G.

COUNSEL FOR THE RESPONDENT NO.3:

MR. L. PRABHAKAR REDDY

W.P. No. 20539 of 1995 :

Between:

M/s. Subhodaya Auto Finance Corporation, Sadasivpet, Medak District
Rep. by Managing Partner, Sri Mutlakunta Narayana

Petitioner

AND

1. The District Forum (Under Consumer Protection Act, 1986) , Medak District, Sangareddy
2. Dasa Veeresam

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to issue a Writ of Certiorari, or any other appropriate Writ, order or direction, calling for the

challenged in these Writ Petitions. Section 27 deals with penalties for those persons who fail or omit to comply with any order made by the District Forum, State Commission or the National Commission created under the Consumer Protection Act, 1986. The contention of Mr. P.S. Narayana is that, Section 27 is ultra vires if the whole scheme of the Act is seen. He has made a particular reference to Section 25 and the objectives of the Act. According to him, under section 25 a methodology is provided for execution of the orders of the District forum, State Commission or the National Commission. This issue needs a detailed consideration and would be dealt with when the matters are finally decided, but we have found that even if the contentions of Mr. P.S. Narayana are accepted and these Writ Petitions are allowed and section 27 of the Act is struck down, even then the petitioners in all these matters would be bound by the award passed against them by the appropriate forums. For instance, in E.P.No.4/1997, which is under challenge in W.P. No.26175/97 it appears that the claim of the claimant for Rs. 10,000/- was allowed on 14-10-1996, five years have passed but the claimant has not been paid even this amount. The orders of the forums cannot be allowed to be evaded by mere pendency of these Writ Petitions result of which would have no effect on the claims of the claimants, which have become final. Therefore, we direct that all the Writ Petitioners shall deposit the amounts awarded against them in this Court within a period of six weeks so that the amount is disbursed to the respective claimants. The respective claimants shall also file their claims with regard to interest within six weeks. In some of the matters while passing interim orders 50% of the awarded amount has been ordered to be deposited the balance 50% of the awarded amount should be now deposited in those matters.

List these Writ Petitions after six weeks.

Sd/- SULTANA BEGUM
ASSISTANT REGISTRAR

// TRUE COPY //

for ASSISTANT REGISTRAR

To

1. The Secretary, Union of India, Ministry of Home Affairs, Central Secretariat, New Delhi.
2. The President, District Forum under the Consumer Protection Act, 1986, Sangareddy, Medak District -502 001
5. The Superintendent of Police, Sangareddy, Medak District
6. The Consumer Disputes Redressal Forum, Hyderabad District-I, Hyderabad
7. The Secretary, Union of India, Ministry of Consumer Forums, Ministry of Civil Supplies, Government of India, New Delhi
8. The District Consumer Forum, Warangal, Warangal District
9. The Principal Secretary (LAW), Union of India, New Delhi
10. The President, District Consumer Forum, Srikakulam, Srikakulam District
11. The District Forum (Under Consumer Protection Act) Sangareddy, Medak District
12. The Secretary, Union of India, Food and Civil Supplies, Udyog Bhavan, New Delhi
13. The Andhra Pradesh State Consumer Disputes Redressal Forum, Khairatabad, Anandnagar, Hyderabad - 500 004.
14. The State Consumer Redressal Commission, Anandnagar, Khairatabad, Hyderabad
15. The Secretary, Union of India, Ministry of Law Justice & Company Affairs, Department of Company Affairs, New Delhi
16. The District Consumer Forum, Visakhapatnam, Visakhapatnam District
17. The Scientific Advisor to Rakshamantri and Director General, DRDO
18. The Director, Defence Research and Development Laboratory, Kanchanbagh, Hyderabad.
19. The Register, Central Administrative Tribunal, Hyderabad.
20. Two CCs to G.P. for Panchayat Raj, High Court of A.P., Hyderabad (OUT)
21. Two Spare Copies.

MSR

as one cc to Mr. C.H. Dhananjaya
Advocate copy

High Court File No. 40/2000.

CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH: HYDERABAD

WRIT PETITION NO. 1490 /1999 2000
U.P.M.P. NO. /1999.

A Writ Petition was filed in the High Court of Andhra Pradesh

by Sri Ch. Bhupal goud vs Director General DRDO
N-Dehi 2000.

against the ~~Order~~/Judgment of this Hon'ble Tribunal dt. 10/8/98

and made in O.A.No. 984/97 & MA-894/98 in OA-984/97

The High Court was pleased to ~~Dismiss/Allow/Disposed of~~
~~Order Interim Suspension/Stay/Notice~~ the operation of Judgment
on 7/2/2000 :

The Judgment of the Tribunal in O.A.No. 984/97 &
/Notice MA-894/98 in OA-984/97
and the ~~order~~ of the High Court of Andhra Pradesh enclosed
herewith for perusal.

Submitted.

16/2 Deputy Registrar.

16/2 Registrar.

16/2 Hon'ble Vice-Chairman.

16/2 Hon'ble Member(A) I

Hon'ble Member(A) II

Hon'ble Member(J)

Hearing date

RETURN OF THE WRIT OF CERTIORARI ORDER NISI

[To be Ordered ex Writ to appear]

The process of the writ of certiorari where of mention is made, was served on respondent this day of One thousand nine hundred and ninety.

This should be served on the Respondent No. and to the High Court.

[Sd]

Writ and Rule Nisi

W.F.No. of 199

Certified that the required conveyance charges and the process for the service of the process have been collected. It is requested that the English Translation of the process services respect if is vernacular, may be sent along with the Rule Nisi returned.

FORM NO. 8.

FORM NO. 8

RETURN OF THE WRIT OF CERTIORARI UNDER NISI

To be endorsed on writ to produce.

The process of the writ certiorari were of mention is within made with all things launching the same in the several papers hereto annexed, as with commanded.

The annexure of

The respondent herein

Date day of

Sd/-

WRIT OF COURT ORDERS—ORDER LIST (TO PRODUCE AND/OR TO APPEAR)
IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD.

(Special Original Jurisdiction)

Mon day, the 7th day of Feb
One thousand nine hundred and ninety

WRIT PETITION NO. 1490 of 1990
Ch. Murali and Alias Bikshara.

Between

Petitioner

And Scientific Advisor and others.

No.

Respondent

Mr. Upon motion this day made into this Court by being
opinion that the record relating to and touching upon all the matters and contentions raised in the Memorandum
of representation petition, a copy of which is annexed hereto, together with the decision therein, should be called
or and pursued.

IT IS HEREBY COMMANDED

- 1) That you, the aforesaid respondent No. 7 do send for our use in High Court of Judicature
of Andhra Pradesh, Hyderabad, all and singular the said record and other with all things touching
the same as fully and perfectly as they have been made by you and now remain your custody or power
together with this, Rule Nisi before the day of 1990 and 7/3/2000

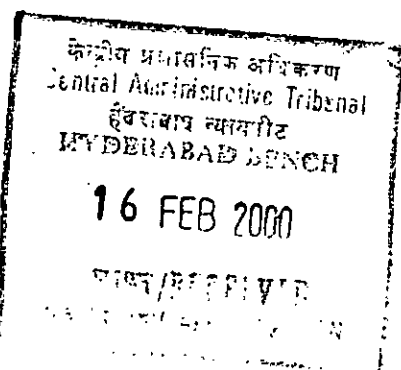
That you intend to oppose the petition, you the aforesaid Respondent No.
do appear personally or by Advocate before the day of 1990
at 10-30 a.m. before the Court show cause why this Petition should not be complied with and that we may cause
to be done there on what of right and according to Law shall see fit to be done.

NOTICE:— YOU HAVE TO FILE YOUR COUNTER AFFIDAVIT WITHIN 6 MONTHS, UNLESS
OTHERWISE DIRECTED BY THE HIGH COURT, MATERIAL PAPERS RELIED UPON
BY YOU SHOULD BE FILED IN BOOK FORM DULY STITCHED GIVING EXHIBIT
NUMBERS TO EACH DOCUMENT

WITNESS: The Hon'ble M. S. Subbarao
Andhra Pradesh at Hyderabad, this the
One thousand nine hundred ninety

Chief Justice of High Court of
day of 1990 i.e., the year

Assistant Registrar



80
16/2/2000

3. It is respectfully submitted that I was working as Photographer Grade.II. I was removed from service by order dated 18.8.79. Against that I filed a Writ Petition before the Hon'ble High Court in WP No.5028/81. The writ petition was allowed. Against the said orders, the respondents have filed an appeal before the Hon'ble Supreme Court and the same was finally allowed and remanded to the CAT, Hyderabad for disposing the case on merits afresh. The same was re-numbered as TA 20/91. The Hon'ble Tribunal set aside the order of removal on 7.10.93 and remanded the matter to the disciplinary authority for fresh consideration in regard to the punishment. The respondents have reinstated me into service on 29.12.93 with a punishment of censure. I reported for duty on 2.2.94. Thereafter I submitted an application for voluntary retirement in my name Ch. (Bhikusham) alias Ch.Bhupal Goud. I have submitted my application in the said name because during this period, I have changed my name after due procedure of publication in the Gazettee and other legal formalities from Ch.Bhikusham to Ch.Bhupal Goud. The Hon'ble Tribunal in another OA No.467/87 has also accepted my name as Ch.Bhupal Goud by its order dated 29.9.87. The voluntary retirement application was accepted by the respondents w.e.f., 25.7.94. When I submitted my pension papers in the name of Ch.Bhupal Goud, the respondents have refused to process them in the name of Ch.Bhupal Goud and finalise the pension and other terminal benefits taking an objection that I should submit my application only on the name of Ch.Bhikusham and not in the name of Ch.Bhupal Goud. When they have raised certain objections to process my pension papers, I have realised that the respondents accepting my voluntary retirement application w.e.f., 25.7.94 cannot be treated as valid

2nd page
corrections:

Attestor

Deponent

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH

AT HYDERABAD

WP NO. 1450 OF 2000

BETWEEN:

Ch.Bhupal Goud alias Biksham,
S/o Ayodhya,
aged about 50 years,
Photographer grade.II,
Defence Research and
Development Laboratory,
Kanchan Bagh, Hyderabad.

...PETITIONER

A N D

1. The Scientific Advisor to Rakshamantri
and Director General, DRDO,
Ministry of Defence, New Delhi.
2. The Director, Defence Research and
Development Laboratory,
Kanchanbagh, Hyderabad.
3. The Registrar, Central Administrative
Tribunal, Hyderabad.

...RESPONDENTS

A F F I D A V I T

I, Ch.Bhupal Goud alias Ch.Bhikusham, S/o Ayodhya,
aged about 50 years, R/o Hyderabad, do hereby solemnly and
sincerely affirm and state on oath as under:

1. That I am the deponent herein and therefore, fully
acquainted with the facts of the case.
2. I beg to file this writ petition against the order passed
by the Hon'ble Central Administrative Tribunal, Hyderabad in the
OA No.984/97 and in MA No.894/98 dated 11.8.99. The Hon'ble
Tribunal has rejected my claim for treating me as on duty by
allowing me to withdraw my application for voluntary retirement
and only declare that I am entitled for pensionary benefits in
accordance with the rules on my voluntary retirement.

1st page
corrections:

Attestor

Deponent

voluntary retirement on the basis of my voluntary retirement application in the name of Ch.Bhikusham alias Bhupal Goud can be treated as valid in law so as to disentitle me to insist on my right to withdraw the voluntary retirement application by treating the earlier application and acceptance letter given by the respondents as of no effect in the eye of law. Instead of adjudicating the issue raised and arising in the OA, the Hon'ble Tribunal has simply directed me to sign the pension papers as I signed in the voluntary retirement application and the same should be processed by the respondents and pension should be paid to me. It is submitted that the order of the Hon'ble Tribunal suffers from error apparent on the face of the record resulting in miscarriage of justice.

4. It is further submitted that since the basic issue raised and arising in the OA was not dealt with by the Hon'ble Tribunal and adjudicated. It is submitted that I have suffered irreparable loss and damage.

5. It is further submitted that I have eight years of service to go and the voluntary retirement application which I have submitted was in haste and without considering the consequences thereof and further the respondents have inordinately delayed the finalisation of my pension papers by adopting double standards by way of harassment by accepting the application only in the name of Ch.Bhikusham and not in the name of Ch.Bhikusham alias Bhupal Goud with which name I have submitted my voluntary retirement application.

:: 3 ::

as I have not applied for voluntary retirement in the name of Ch.Bhikusham but in the changed name as Ch.Bhupal Goud only and submitted a representation to the respondents either to process my pension papers in my changed name or in the alternative to permit me to withdraw the voluntary retirement application submitted earlier in the name of Ch.(Bhikusham) alias Bhupal Goud. The respondents have rejected the same by their letter dated 23.2.96 and again insisted that I should submit my pension papers in the name of Ch.Bhikusham only. Aggrieved by the same I filed OA No.984/97 before the CAT, Hyderabad for declaring the action of the respondents in not allowing me to withdraw my voluntary retirement application and not processing the pension papers and other retirement benefits in my changed named i.e., Ch.Bhupal Goud as totally illegal, arbitrary and sought for a consequential direction to the respondents to treat me as in service with all consequential benefits. The Hon'ble Tribunal has not addressed to my main grievance and also the bone of contention between me and the respondents that the respondents could not have adopted double standards one for accepting the voluntary retirement application and the other for processing the pension papers. At one stretch they cannot accept my name as Ch.(Bhikusham) alias Bhupal Goud for the purpose of voluntary retirement and pass orders on 25.7.94 in the name of Ch.Bhikusham and again take a different stand for the purpose of processing the pension papers by insisting that I must submit in the name of Ch.Bhikusham only as per the service record. It is submitted that the Hon'ble Tribunal instead of adjudicating the issue whether the action of the respondents in adopting the double standards as illegal and impermissible and whether the accepting of the

3rd page
corrections:

Attestor

Deponent

6. It is further submitted that it is a fit case, where the Hon'ble Court may be pleased to fix an early date for hearing of the case in the interest of justice and equity.

6. Under these circumstances, the petitioner (s) herein is/ are not having any other alternative remedy except to invoke the jurisdiction/ extra-ordinary civil original jurisdiction of this Hon'ble Court under article 226 of the Constitution of India.

7. The petitioner (s) herein has/have not filed any writ in this Hon'ble Court or any suit in any Civil Court or any other proceedings in any other Tribunal regarding the same cause of action and for the said relief as prayed for in this writ petition.

For the reasons stated above and those that may be urged at the time of hearing, it is prayed that the Hon'ble Court may be pleased to issue a writ, order or direction particularly one in the nature of writ of certiorari calling for the records related the order passed in OA 984/97 and in MA No.894/98 dated 11.8.99 on the file of the Central Administrative Tribunal, Hyderabad and quash the same and allow the OA with all consequential benefits and be pleased to pass such other and further order or orders as may be deemed fit.

Sworn and signed on this
the 19th day of January, 2000
at Hyderabad.

Deponent

VERIFICATION

I, Ch.Bhupal Goud alias Bhikusham, S/o Ayodhya, aged 50 years, R/o Hyderabad, being the petitioner/person acquainted with the facts do hereby verify and state that the contents of para () () etc of the affidavit filed in support of the writ petition are true to my personal knowledge, those of para () () etc are facts to my knowledge based on the information and those of para () () etc are true to my knowledge based on records and believed to be correct and those of para () () etc are based on legal advice believed to be correct.

Verified on this the 01st day of December, 1999 at Hyderabad.

Advocate

Deponent

MEMORANDUM OF WRIT PETITION
(UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA)
IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD
(SPECIAL ORIGINAL JURISDICTION)

WP NO.

OF 2000

BETWEEN:

Ch.Bhupal Goud alias Biksham, S/o Ayodhya,
aged about 50 years, Photographer grade.II,
Defence Research and Development Laboratory,
Kanchan Bagh, Hyderabad.

...PETITIONER

A N D

1. The Scientific Advisor to Rakshamantri
and Director General, DRDO,
Ministry of Defence, New Delhi.
2. The Director, Defence Research and
Development Laboratory, Kanchanbagh, Hyderabad.
3. The Registrar, Central Administrative
Tribunal, Hyderabad.

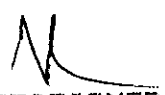
...RESPONDENTS

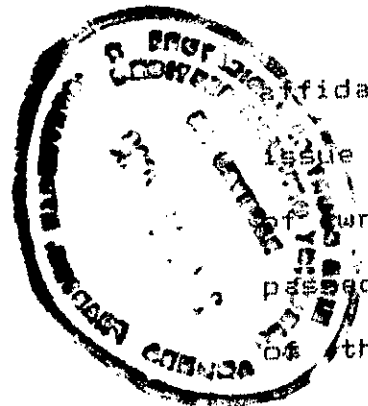
The particulars and addresses of the above named petitioner (s) for the purpose of service of summons, notices etc are that of his/her/their counsel Mr.S.Lakshma Reddy, Advocate, 102, Premier Plaza Apartments, Beside Water Tank, Narayanguda, Hyderabad.

The particulars and addresses of the above named respondents for the purpose of service of summons, notices etc are the same as mentioned in the cause title.

For the reasons stated in the accompanying affidavit, it is prayed that the Hon'ble Court may be pleased to issue a writ, order or direction particularly one in the nature of writ of certiorari calling for the records related the order passed in OA 984/97 and in MA No.894/98 dated 11.8.99 on the file of the Central Administrative Tribunal, Hyderabad and quash the same and allow the OA with all consequential benefits and be pleased to pass such other and further order or orders as may be deemed fit.

Hyderabad
Dated: 19.1.2000


COUNSEL FOR PETITIONER (S)



dt.11-8-99

Order

Oral order (per Hon. Mr. R. Rangarajan, Member (Admn.))

Heard Mr. S. Lakshma Reddy for the applicant and
Mr. V. Vinod kumar for the respondents.

1. The applicant in this OA, Photographer Gr.II, made an application on 3-5-1994 for voluntary retirement from service with effect from 25-8-1994. That request was accepted and he was releived of the duties with effect from 25-8-1994. The same was communicated to the applicant by office letter No.DRDL/1175/CHB/A dated 21-9-1994. He was also advised to come to the office to enable Respondent No.2 office to process the pension/gratuity papers to CDA(Pension) Allahabad. It is stated that the letter though sent by registered post acknowldgement due, the applicant has not responded and he has not reported to Respondent No.2 office for submission of pension papers. Subsequently, also he was reminded.

2. This OA is filed praying for a declaration that the action of the respondents in not allowing the applicant to withdraw the voluntary retirement as was done in case of one Mr. P.V. Rao, and not processing the pension and other retirement benefits is totally illegal, arbitrary, without jurisdiction and violative of Articles 14 and 16 of the Constitution and for a consequential direction to the respondents to treat the applicant as in service with all consequential benefits.

3. It is an admitted fact that the applicant has submitted his application for voluntary retirement. That was also accepted and the applicant was informed on 21-9-1994. Hence

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH

AT HYDERABAD

OA.984/97 &
MA.894/98 in OA.984/97

dt.11-8-99

Between

Ch. Bhupal Goud
alias Ch. Bhikshum

: Applicant

and

1. Scientific Advisor to
Min. of Defence & Director Genl.
Defence Research & Development Orgn.
Directorate of Personnel
DHQ PO, New Delhi

2. Director
Defence Research & Development Laboratory
Kanchanbagh, Hyderabad

: Respondents

Counsel for the applicant

: S. Lakshma Reddy
Advocate

Counsel for the respondents

: V. Vinod Kumar
CGSC

Coram

Hon. Mr. R. Rangarajan, Member (Admn.)

Hon. Mr. B.S. Jai Parameshwar, Member (Judl)

J

2

the question of taking him back on duty does not arise. The applicant is entitled for pensionary benefits in accordance with rules on his voluntary retirement.

4. The learned counsel for the respondents submit that the applicant had put in his pension papers for payment of pensionary benefits. But in his voluntary retirement letter he has signed as Ch. Bikshum. Under the signature it has been typed as alias Ch. Bhupal Goud, Photographer Grade II, Instrumentation, DRDL, Hyderabad. Hence, his pension papers should also contain the same signature even if he has changed his name from Bikshum to Bhupal Goud. No mention had been made in ^{the} Service register in regard to change of his name. The applicant also signed his voluntary retirement papers as Bikshum with certain details underneath. Hence the applicant cannot sign as Bhupal Goud in the pension papers and demand payment of retirement benefits on that basis of signature. Hence, if a proper application for payment of pensionary benefits, signing atleast as he had signed in his voluntary retirement the applicant will be given pensionary benefits in accordance with law.

5. We have perused the voluntary retirement application submitted by the applicant. We have no doubt in our minds that the pension papers should also be signed similarly as what he had signed in his voluntary retirement letter on 3-5-1994. If the pension papers are accordingly submitted by the applicant, the applicant should be paid pension and pensionary benefits in accordance with rules within a period of two months from the date of request for payment of pension.

6. The OA is ordered accordingly. No costs. As the OA is disposed of MA.894/98 (Direction petition) is dismissed.

प्रमाणित प्रति
CERTIFIED TRUE COPY
कम तय्या. 01/984/97
CASE NUMBER MA-894/98-01/984/97
नि. 4.1.7
DATE OF ... 11/8/99
प्रति तय्या
COPY MADE ... 11/8/99

1
1
अध्यक्ष
Court Officer
के. आर. त्रिपाठी
Central Administrative Tribunal
हैदराबाद ब्याथपीड
HYDRABAD BENCH

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

OA.984/97 &
MA.894/98 in OA.984/97

dt.11-8-99

Between

Ch. Bhupal Goud
alias Ch. Bhikshum

: Applicant

and

1. Scientific Advisor to
Min. of Defence & Director Genl.
Defence Research & Development Orgn.
Directorate of Personnel
DHQ PO, New Delhi

2. Director
Defence Research & Development Laboratory
Kanchanbagh, Hyderabad

: Respondents

Counsel for the applicant

: S. Lakshma Reddy
Advocate

Counsel for the respondents

: V. V inod Kumar
CGSC

Coram

Hon. Mr. R. Rangarajan, Member (Admn.)

Hon. Mr. B.S. Jai Parameshwar, Member(Judl)





OA.984/97 &
MA.894/98 in OA.984/97

dt.11-8-99

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the question of taking him back on duty does not arise. The applicant is entitled for pensionary benefits in accordance with rules on his voluntary retirement.

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6. The OA is ordered accordingly. No costs. As the OA is disposed of MA.894/98 (Direction petition) is dismissed.


(B.S. Jai Parameshwar)
Member (Judl)
11/8/99


(R. Rangarajan)
Member (Admn.)

Dated : 11 August, 1999
Dictated in Open Court

(90)

COPY TO:-

1. HDHND
2. HRN M (A)
3. HBSJP M (J)
4. D.R. (A)
5. SPARE
6. ADVOCATE
7. STANDING COUNSEL

1st AND II nd COURT

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD:

THE HON'BLE MR. JUSTICE D.H. NASIR
VICE - CHAIRMAN

THE HON'BLE MR. R. RANGARAJAN:
MEMBER (ADMN)

THE HON'BLE MR. B.S. JAI PARAMESHWAR
MEMBER (JUDL)

ORDER DATE: 11/8/99

MA/RA/CP.NO. 894/98
IN
OA.NO. 984/97

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

C.P. CLOSED

R.A. CLOSED

O.A. CLOSED

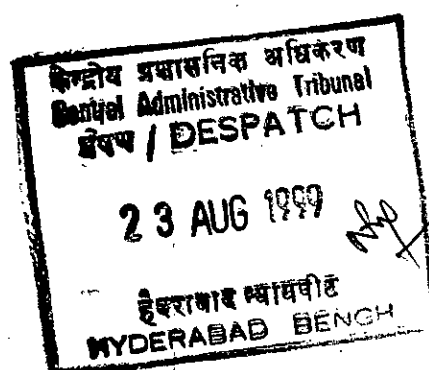
MA DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH :: AT HYDERABAD

M.A.NO. 894 OF 1998

IN

O.A.NO. 984 OF 1997

BETWEEN;

Ch.Bhupal Goud alias Ch.Bhikushan,
S/o Ayodhya, aged 49 years,
Photographer Grade.II,
Defence Research and Development
Laboratory, Chandrayangutta,
Hyderabad.

.....APPLICANT

A N D

1. Scientific Advisor to
Rakshmantri & Director General,
DRDO, Ministry of Defence,
New Delhi.

2. Director, Defence Research
and Development Laboratory,
Chandrayangutta, Hyderabad.

....RESPONDENTS

MISCELLANEOUS APPLICATION FILED UNDER
RULE 8 (3) OF CAT (PROC) RULES

For the reasons stated in the accompanying affidavit, it is prayed that the Hon'ble Tribunal may be pleased to direct the respondents to pay the salaries to the applicant by treating the applicant as in service as Photographer Grade.II and be pleased to pass such other and further order or orders as may be deemed fit.

Hyderabad

Dated: 28.10.98.

S. Laxma Reddy
COUNSEL FOR APPLICANT

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH ;; AT HYDERABAD

M.A.NO.

894 OF 1998

IN

O.A.NO. 984 OF 1997

BETWEEN:

Ch.Bhupal Goud Alias Ch.Bhikusham

...APPLICANT

A N D

Scientific Advisor to Raksha Mantri
& Director General, DRDO, Ministry
of Defence and another.

...RESPONDENTS

A F F I D A V I T

I, Ch.Bhupal Goud alias Ch.Bhikusham,
S/o Ayodhya, aged 49 years, Photographer Grade.II,
DRDL, Hyderabad, do hereby solemnly and sincerely
affirm and state on oath as under:

1. That I am the deponent herein and the
applicant in the above OA filed before this Hon'ble
Tribunal. Therefore, I am fully acquainted with the
facts of the case.

2. It is respectfully submitted that I have
filed the above OA for directing the respondents to
treat me as in service with all consequential bene-
fits, in view of the respondents not accepting my
voluntary retirement in my own name i.e., Ch.Bhupal
1st page

corrections;

Attestor

Deponent


11/2

Goud alias Ch.Bhikusham and not allowing me pension and other retirement benefits but accepting the voluntary retirement on the non-existing name i.e., Ch.Bhikusham and insisting on me to submit his pension and other retirement benefits in the name of the said non-existing name Ch.Bhikusham. The said OA was filed as early as in the month of April, 1997 and the Hon'ble Tribunal was pleased to admit the OA on 4.8.97. After admission and notice to the respondents in the said OA, the respondents have issued a letter dated 22.8.97 referring to the earlier letters dated 23.2.96 and 29.11.96, which are impugned in OA 984/97 and directed me to submit the pension papers against the same non-existing name of Ch.Bhikusham to enable the office to pass his pension papers. Since, I have already filed the OA, it is submitted that the respondents would not have issued the letter dated 22.8.97 again insisting on me to submit in the name that to contrary to the judgment of this Hon'ble Tribunal in OA 467/87 dated 29.9.87. Through my letter dated 4.9.98, I have requested the respondents to pay the salaries in view of the fact that my services were not terminated and the said Ch.Bhikusham has not applied for voluntary retirement and it is only Ch.Bhupal Goud alias Bhikusham, who has applied for voluntary retirement. Meanwhile, the Hon'ble Tribunal in OA 1382/96 has held that the punishment order dated 29.12.93 imposing the penalty

2nd page

corrections;

Attestor


Deponent

of censure without any order with reference to the treatment of the period from suspension till the date of reinstatement is incomplete through its judgment dated 2.9.98 and directed the respondents to pass orders with regard to the treatment of the period from the date of suspension to the date of reinstatement. The applicant has made representation dated 9.9.98 to implement the said judgment of the Hon'ble Tribunal. The respondents through their letter dated 6.10.98 has rejected the request of the applicant for payment of salaries saying thast he is already voluntarily retired from service with effect from 25.7.94. Hence, the applicant is constrained to file this MA since the applicant is neither being paid the pension nor being paid the salary, due to the unreasonable stand taken by the respondents.

3. It is further submitted that the respondents either should not have accepted the voluntary retirement by the applicant in the name of Ch.Bhikusham and ought to have insisted before accepting the voluntary retirement for submitting a fresh application in the name of Ch.Bhikusham only in the place of Bhupal Goud alias Bhikusham. They could not have unilaterally accepted the voluntary retirement not in the name in which it was applied but in the name of Ch.Bhikusham, who has not applied for voluntary retirement. The unreasonable stand taken by

3rd page

corrections;

Attestor .

Deponent

:: 4 ::

the respondents is putting the applicant to grave hardship and the present letter dated 6.10.98 is adding fuel to his already long sufferings. The applicant is not being allowed to exercise his free choice and put to coercion to submit in the name of Ch.Bhikusham. Under the circumstances, the applicant is constrained to file this MA to direct the respondents to pay the salaries by treating him as in service as Photographer Grade.II.

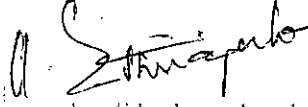
Therefore, it is prayed that the Hon'ble Tribunal may be pleased to direct the respondents to pay the salaries by treating the applicant as in service as Photographer Grade.II and be pleased to pass such other and further order or orders as may be deemed fit.

Sworn and signed on this
the 20th day of October, 1998
at Hyderabad.

4th and last page
corrections:

X  DEPONENT

Before Me


Advocate/Hyderabad

given in the order in OA 1381/96 in this OA also.

3. The OA is disposed of as above. Time for compliance is 3 months from the date of receipt of a copy of this order. No order as to costs.

સાચી સાચી
CERTIFIED TO BE TRUE COPY

[Signature]
સચીવ અધિકારી
COURT OFFICER
સચીવ અધિકારી
Central Administrative Tribunal
જિલ્લા કચેરી
HYDERABAD BENCH

OA 1382/96
2/2/98
4/9/98
Section Officer

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO.1382 of 1996

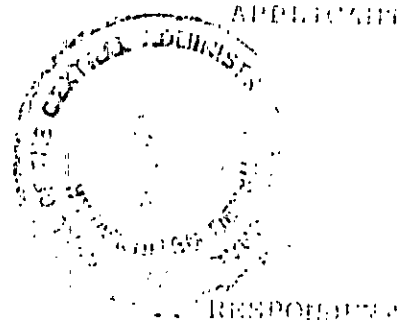
DATE OF ORDER: 2nd SEPTEMBER, 1996

BETWEEN:

Ch.BHUPAL GOUD, Alias Ch.BIKSHAM

and

The Director, Defence Research
Development Laboratory (DRDL),
Chandrayangutta,
Hyderabad.



COUNSEL FOR THE APPLICANT: Mr.S.LAXMA REDDY

COUNSEL FOR THE RESPONDENT: Mr.V.RAJESWAR RAO, ADDE.CCSC

CORAM:

HON'BLE SHRI R.RANGARAJAN, MEMBER (ADHN.)

HON'BLE SHRI B.S.JAI PARAMESHWAR, Member (JUDL.)

JUDGEMENT

(ORAL ORDER PER HON'BLE SHRI R.RANGARAJAN, MEMBER (ADHN.)

Heard Mr.S.Laxma Reddy, learned counsel for the applicant and Mr.V.Rajeswara Rao, learned standing counsel for the respondents.

2. This OA is also similar to the OA No.1381/96 which was disposed of today. The contentions and the prayer in this OA are the ^{similar} ~~same~~ to that of OA 1381/96. The order passed in OA 1381/96 will squarely hold good in this OA also. The respondents should act as per the directions

Contd....

4-9-1998

To
The Director
D.R.D.L
P.O.Kanchan Bagh
HYDERABA.-500058.

Sir,

Sub:- Request to make payment of Salaries from
20-2-1996 to 31-8-1998.Reg:-

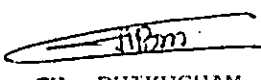
I CH.BHIKUSHAM.S/o Ayodhya. Photo Grapher Gde,II. D.R.D.L. The finance department of D.R.D.L. not giving my salaries since dt.20-2-1996 to this date reasons I don't no kindly issue the orders to finance department to make my salaries immediatly, because I am facing lot of financial problems, due to Non-Payment of my salaries.

Thanking you sir,

Yours Faith Fully

Residential Address.
CH.BHIKUSHAM
Photo Grapher Gd,II
H.No.1-2-53.
Flat No.302.
Domal Guda.
Hyderabad-500029.




CH. BHIKUSHAM
Photo Grapher Gde, II.
D.R.D.L.
P.O.Kanchan Bagh.
Hyderabad-500058.

30/8/98
4/9/98

for Direction

In the CAT Hyderabad Bench

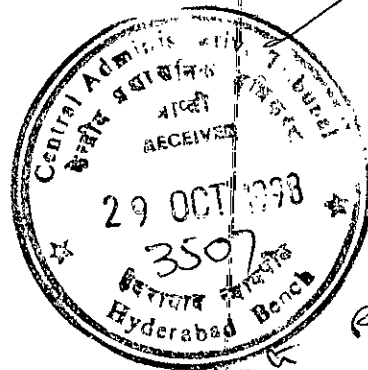
MANO of 98

OAND 784 of 97

Direction petition

Reviewed
Hyderabad

28/10/98



Rev. sent to Bench on 29/10/98.

S. Lakshma Reddy

Advocate

may be filed
2/11/98

N. 10-10-1998

To
The Director
D.R.D.L
P.O.KANCHAN BAGH
Hyderabad-500058

Sir,

Sub:- Request to pay my salaries Reg:-

With reference to your Letter No.DRDL/1175/CHB/A dated 23-2-1996 reminder dated 29-11-1996 & 22-8-97 and 6 oct 1998. Sri, Ch.BHIKUSHAM S/o AYODHYA Photo Graher Gde II not applied for voluntary retirement, the question of retirement of CH.BHIKUSHAM. S/o AYODHYA Photo Grapher Gde II from Government services W.e.f. 25-7-1994 does not arise. The question of submitting Pension papers by CH.BHIKUSHAM S/o AYODHYA Photo Grapher Gde II does not arise.

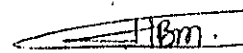
The re-instatement orders Passed by the CAT Hyderabad Bench in TA.No.20/91 dated 7-10-1993 not implimented and you have not given me a complete order indicating the treatment of the period under suspension and other eventualities.

Hence I request you to kindly complete the CAT Orders in TA No.20/91 dated 7-10-1993 with full details in accordance with the extant departmental rules. And Kindly make my salaries immediatly without further delay.

Thanking you sir,

House Address
H.No.1-2-53
Flat No.302
ODEON Enclave
Donal guda
HYDERABAD-500058:

Yours Faith Fully


CH.BHIKUSHAM
S/o Ayodhya.
Photo Grapher Gae II.
D.R.D.L
P.O. KANCHANBAGH
Hyderabad-500058.

नस/ORIGINAL

MA. 894/98

OA-984/97

13-11-98

Post on Monday.

54

HHRP
M(A)

for
DHNT
Hrc

7.1.99

Applicant not represented.

Post on 12-99.

for
HHRP
M(A)

for
HDHNT
vc

4.6.99

Post on 7.6.99.

for
HHRP
M(A)

for
HDHNT
vc

22-7-99

Post this MA along with the
OA for Final Hearing.

HRRN
M(A)

for
HDHNT
HVC

23/7/99

Post on Monday i.e., 26/7/99.

HRRN
M(A)

for
HDHNT
vc

25

9/8/99

List Day-after tomorrow
about admission for orders.

for
HRRN
M(A)

for
HRRN
M(A)

बेच केस/BENCH CASE रक्षा/DEFENCE
CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD.

M.A.No. 894 of 1998

IN

O.A.No. NO 984 of 1997

Discretion Petition

Mr. S. Lakshma Reddy
COUNSEL FOR THE APPLICANT.
AND

Mr. V. Vinod Kumar
Sr.ADDL. STANDING COUNSEL FOR G.S.
C.G.RLY.

MA.894/Ag in OA.84/97

DF. 11.8.99

Heard.

order delivered via
separate sheets. MA is
dismissed.

HBSP
M(2)

HRN
M(A)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH AT HYD' BAD

N.A. NO. OF 1997

in

OA SR No. 1343 OF 1997

Between

Ch. Bhupal Goud alias

Ch. Bhikusham

.. Applicant

and

The Scientific Advisor to
Ministry of Defence, & D.O., DRDO
Govt. of India, New Delhi
and another

.. Respondents

A F F I D A V I T

I, K.R.M. Srinivasa Rao, S/o S. Shivaji Rao, aged about 26 years, working as Advocate, R/o Hyderabad, do hereby solemnly and sincerely affirm and state on oath as under:

1. I am the deponent herein and the counsel for the applicants in OA SR No. 1343 of 1997. The above OA was filed before this Hon'ble Tribunal for the directions of to respondents treat the applicant as in a service with all consequential benefits. The office has made some objections while filing the OA and returned the bundle for resubmission. We have informed this to the Client about objections raised by the office. After taking instructions from client we resubmitted the OA, ^{now} ~~XXXX~~ by answering the all objections made by the office. As such the delay caused in representation of the OA is neither wilful nor wanton. As such there is a delay of 67 days in representing the OA SR No. 1343 of 1997.

cont....

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH AT HYDERABAD

W.A.No. 721 OF 1997

in

O.A. S.R.No.1343 of 1997

Between:

Ch. Bhupal Goud Alias Ch. Bhikusam,
S/o Ayodya, aged about 48 years,
Photographer grade.II
Defence Research and Development
Laboratory, Chandrayangutta,
Hyderabad, R/o Hyderabad.

.. Applicant

and

1. The Scientific Advisor to
Ministry of Defence & Director
General, Defence Research and
Development Organisation,
Directorate of Personnel, DMO,
PO, New Delhi.
2. The Director, Defence Research
and Development Laboratory,
Lancha Bagh, Hyderabad.

.. Respondents

MISCELLANEOUS APPLICATION FILED UNDER 8(3) OF CAT PROCEDURE
RULES FOR CONDONATION OF DELAY IN RESUBMISSION OF THE OA SR.

For the reasons stated in the accompanying affidavit,
the Hon'ble Tribunal may be pleased to condone the delay
of 67 days in re-submitting the OA SR No.1343/97 and
pass such other and further orders as may be deemed fit.

Hyderabad

Dated: 23-7-97

COUNSEL FOR THE APPLICANT

IN THE CENTRAL ADMINISTRATIVE
TRIBUNAL: HYDERABAD BENCH AT
HYDERABAD

M.A.No. of 1997

in

CA SR No. 1343 of 1997

Between:

Ch. Bhupal Goud alias
Ch. Bhikusham .. Applicant

and

The Scientific Advisor
to Ministry of Defence
and others .. Respondents



M.A. Filed for Condonation of
Delay in representation Under
83) of C.A.T. Procedure Rules.

Mr. S. Lakshma Reddy, Advocate
and P.M. Srinivasa Rao, Advocate
COUNSELLORS FOR THE APPLICANTS
Applicants

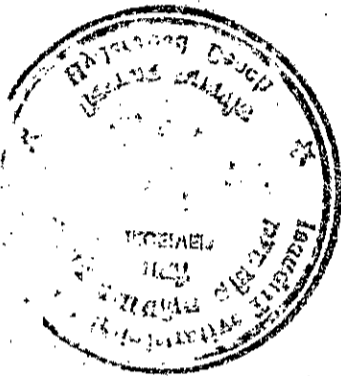
It is therefore, prayed that the Hon'ble Tribunal may be pleased to condone the delay of 67 days in re-submitting the GA SR No.1343 of 1997 which is neither wilful nor wanton but for the circumstances explained above and pass such other and further orders.

Sworn and signed on this the
day of July, 1997
at Hyderabad.

Deponent

Before me

ADVOCATE



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH AT HYDERABAD

W.A.No. 721 OF 1997

in

O.A. S.R.No.1343 of 1997

Between:

Ch. Dhupal Goud Alias Ch. Bhikusam,
S/o Ayodya, aged about 48 years,
Photographer grade.II
Defence Research and Development
Laboratory, Chandrayangutta,
Hyderabad, R/o Hyderabad.

.. Applicant

and

1. The Scientific Advisor to
Ministry of Defence & Director
General, Defence Research and
Development Organisation,
Directorate of Personnel, DHO,
PO, New Delhi.
2. The Director, Defence Research
and Development Laboratory,
Rancha bagh, Hyderabad.

.. Respondents

MISCELLANEOUS APPLICATION FILED UNDER S(3) OF CAT PROCEDURE
RULES FOR CONDONATION OF DELAY IN RESUBMISSION OF THE CA SR.

For the reasons stated in the accompanying affidavit,
the Hon'ble Tribunal may be pleased to condone the delay
of 27 days in re-submitting the OA SR No.1343/97 and
pass such other and further orders as may be deemed fit.

Hyderabad

Date: 23-7-97

COUNSEL FOR THE APPLICANTS

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH AT HYD' BAD

N.A. NO. OF 1997

in

OA SR No. 1343 OF 1997

Between:

Ch. Dhupal Goud alias
Ch. Bhikusham

.. Applicant

and

The Scientific Advisor to
Ministry of Defence, & D.G., DRDO
Govt. of India, New Delhi
and another

.. Respondents

A F F I D A V I T

I, MR. P. M. Srinivasa Rao, S/o P. Shivaji Rao, aged about 26 years, working as Advocate, R/o Hyderabad, do hereby solemnly and sincerely affirm and state on oath as under:

1. I am the deponent herein and the counsel for the applicants in OA SR No. 1343 of 1997. The above OA was filed before this Hon'ble Tribunal for the directions ~~of~~ to respondents treat the applicant as in a service with all consequential benefits. The office has made some objections while filing the OA and returned the bundle for resubmission. We have informed ~~the~~ to the Client about objections raised by the office. After taking instructions from client we resubmitted the OA, ^{now} ~~xxxx~~ by answering the all objections made by the office. As such the delay caused in representation of the OA is neither wilful nor wanton. As such there is a delay of 67 days in representing the OA SR No. 1343 of 1997.

cont....

IN THE CENTRAL ADMINISTRATIVE
TRIBUNAL: HYDERABAD BENCH AT
HYD. RABAD

M.A.No. of 1997

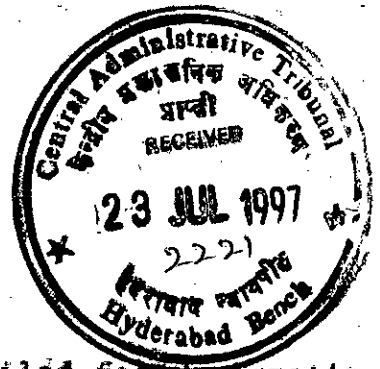
in

OA SR No. 1343 of 1997

Between:

Ch. Bhupal Goud alias
Ch. Shikusham .. Applicant
and

The Scientific Advisor
to Ministry of Defence
and others .. Respondents



M.A. Filed for condonation of
Delay in representation Under
83) of C.A.T. Procedure Rules.

Mr. S. Lakshma Reddy, Advocate
and P. Srinivasa Rao, Advocate
COUNSEL FOR THE PETITIONERS
Applicants

It is therefore, prayed that the Hon'ble Tribunal may be pleased to condone the delay of 67 days in re-submitting the O.A. SR No.1343 of 1997 which is neither wilful nor wanton but for the circumstances explained above and pass such other and further orders.

Sworn and signed on this the
day of July, 1997
at Hyderabad.

Deponent

Before me

ADVOCATE



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH AT HYDERABAD

W.A.No. 721 OF 1997

in

O.A. S.R.No.1343 of 1997

Between:

Ch. Bhupal Goud Alias Ch. Bhikusam,
S/o Ayodya, aged about 48 years,
Photographer grade.II
Defence Research and Development
Laboratory, Chandrayangutta,
Hyderabad, R/o Hyderabad.

.. Applicant

and

1. The Scientific Advisor to
Ministry of Defence & Director
General, Defence Research and
Development Organisation,
Directorate of Personnel, DHQ,
PO, New Delhi.
2. The Director, Defence Research
and Development Laboratory,
Kanchanbagh, Hyderabad.

.. Respondents

MISCELLANEOUS APPLICATION FILED UNDER 8(3) OF CAT PROCEDURE
RULES FOR CONDONATION OF DELAY IN RESUBMISSION OF THE OA SR.

For the reasons stated in the accompanying affidavit,
the Hon'ble Tribunal may be pleased to condone the delay
of 67 days in re-submitting the OA SR No.1343/97 and
pass such other and further orders as may be deemed fit.

Hyderabad

Dated: 23-7-97

P. S. Rao
COUNSEL FOR THE APPLICANTS

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH AT HYD' BAD

W.A. NO. 721 OF 1997

in

OA SR No. 1343 OF 1997

Between:

Ch. Bhupal Goud alias
Ch. Bhikusham

.. Applicant

and

The Scientific Advisor to
Ministry of Defence, & D.G., DRDO
Govt. of India, New Delhi
and another

.. Respondents

A F F I D A V I T

I, ~~XX~~ P.M. Srinivasa Rao, S/o P. Shivaji Rao, aged about 26 years, working as Advocate, R/o Hyderabad, do hereby solemnly and sincerely affirm and state on oath as under:

1. I am the deponent herein and the counsel for the applicants in OA SR No. 1343 of 1997. The above OA was filed before this Hon'ble Tribunal for the direction ~~of~~ to respondents to treat the applicant as in a service with all consequential benefits. The office has made some objections while filing the OA and returned the bundle for resubmission. We have informed ~~the~~ to the Client about objections raised by the office. After taking instructions from client we resubmitted the OA, ~~xxxx~~ ^{now} by answering the all objections made by the office. As such the delay caused in representation of the OA is neither wilful nor wanton. As such there is a delay of 67 days in representing the OA SR No. 1343 of 1997.

cont....

To condone delay of 67 days
in representation of

IN THE CENTRAL ADMINISTRATIVE
TRIBUNAL: HYDERABAD BENCH AT
HYDERABAD

M.A.No. of 1997

in

OA SR No. 1343 of 1997

Between:

Ch. Bhupal Goud alias
Ch. Bhikusham ... Applicant

and

The Scientific Advisor
to Ministry of Defence
and others ... Respondents



M.A. Filed for Condonation of
Delay in representation Under
83) of C.A.T. Procedure Rules.

Mr. S. Lakshma Reddy, Advocate
and P.M. Srinivasa Rao, Advocate
COUNSELS FOR THE ~~REPRESENTATION~~
Applicants

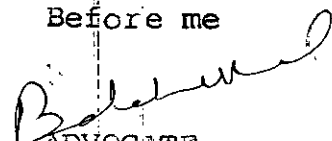
May 12 1997
25/7/97

It is therefore, prayed that the Hon'ble Tribunal may be pleased to condone the delay of 67 days in re-submitting the OA SR No.1343 of 1997 which is neither wilful nor wanton but for the circumstances explained above and pass such other and further orders.

Sworn and signed on this the
day of July, 1997
at Hyderabad.


Deponent

Before me


ADVOCATE

119

ORIGINAL

M.A. 721/97 in G.A.S.R.
31.7.97. No. 1343/97.

BENCH CASE

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD DEFENCE

Heard the Counsel
for the applicant
and in presence
for respondents
M.A. is allowed
The delay in
representation
of G.A., is

M.A. NO. 721 OF 1997.
O.A. NO. 1343 OF 1997

Condoned Register
in G.A.; his or may be
H.B.S.P. H.B.R. or
M.L.J. M(A)
SSG

Condoned delay of 67 days in
Representation of OA.

Mr. S. Lakshma Reddy
COUNSEL FOR THE APPLICANTS.

AND

Mr. Sr. ADDL. STANDING COUNSEL FOR
C.G. Rlys.

BY R.P.A.D.

CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH AT HYDERABAD.
1st Floor, HACA Bhavan, Opp: Public Garden, Hyderabad- 500004. A.P.

ORIGINAL APPLICATION No. 984 of 1997

APPLICANT (S)

V/S

984.
RESPONDENT (S) 7.

Ch. Bhikusham.

The Scientific Advisor to
Ministry of Defence & Director
General, Defence Research and Development Organisation,
Directorate of Personnel, DMQ PO, New-Delhi.

S. Lakshma Reddy. (By/On behalf of)

To.

Mr. V. Vinod Kumar. Addl. CGSC.

1. The Scientific Advisor to Ministry of Defence & Director General, Defence Research and Development Organisation, Directorate of Personnel, DMQ PO, New-Delhi.
2. The Director, Defence Research and Development Laboratory, Kanchanbagh, Hyderabad.

Whereas an application filed by the above named applicant under Section 19 of the Administrative Tribunal Act, 1985 as in the copy annexed hereunto has been registered and upon preliminary hearing the Tribunal has admitted the application.

Notice is hereby given to you that if you wish to contest the application, you may file your reply along with the documents in support thereof and after serving copy of the same on the applicant or his Legal Practitioner within 30 days of receipt of the notice before this Tribunal, either in person or through a Legal Practitioner/ Presenting Officer appointed by you in this behalf. In default, the said application may be heard and decided in your absence on or after that date without any further Notice.

Issued under my hand and the seal of the Tribunal.

This the Fourth day of August 1997

Fourth,

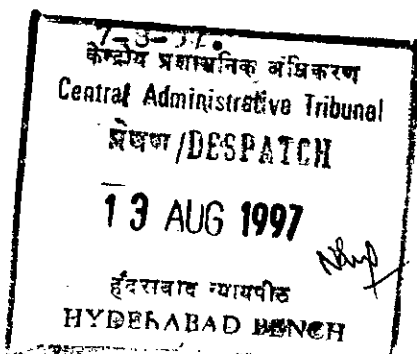
August,

7.

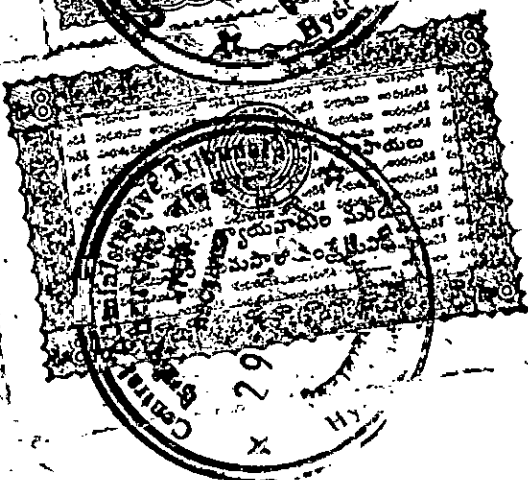
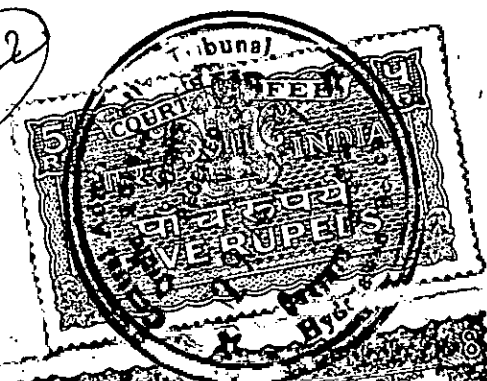
Date;

//BY ORDER OF THE TRIBUNAL//

FOR REGISTRAR.



122



S. R. No

District

C.A.T. H-10 Bell
**In the High Court of Judicature
of Andhra Pradesh Hyderabad**

APPELLATE SIDE

OA No. of 1997

AGAINST

No. of 1997

on the file of the Court of C.A.T. H-10

VAKALAT

ACCEPTED

S. Lakshma Reddy
Advocate

Appellant
Counsel for Petitioner
Respondent

Date.....21.6.1997

S. Lakshma Reddy

M.A. (ECO), LL.B.

ADVOCATE

Appellant
Advocate/s for Petitioner
Respondent

Address for Service: Ph.: 594413

3-5-155 to 161, Premier Plaza apartments,
Flat No. 102, Opp. Prince Cafe,
Near Water Tank, Narayanaguda,
Hyderabad-29.

In the High Court of Judicature

OF ANDHRA PRADESH AT HYDERABAD

APPELLATE SIDE/SPECIAL ORIGINAL JURISDICTION

O A No. 984 of 1997

AGAINST

O A No. of 1997

Ch. Bhupal Choudhary

Ch. Bhiswadev

on the file of the court of

Appellants
Petitioner

VERSUS

Scientific Advisor to
Ministry of Defence, SDC, DRDO

Respondent

Appellant-Petitioner
RespondentNew-Delhi and others
In the above Appeal/Petition do hereby appoint and retain**S. LAKSHMA REDDY**

M.A. (ECO), LL.B.

ADVOCATE

P. M. SRINIVASARAO

Advocate/s of the High Court to appear for me/us in the above Appeal/Petition and to conduct and prosecute (or defend) the same and all proceedings that may be taken in respect of any application connected with the same or any decree or order passed therein including all applications for return of documents or the receipt of any moneys that may be payable to me/us in the said Appeal/Petition and also to appear in all application under Clause XV of the Letters Patent and in all applications for review and for leave to the Supreme Court of India and in all application for review of judgement.

I Certify that the contents of this Vakalat were read out and explained in (...21/4...) in my presence to the executant or executants who appeared perfectly to understand the same and made his/her/their signature or marks in my presence.

Executed before me on 21/4 day of April 1997



ADVOCATE, HYDERABAD.

(B. SA. SATYANARAYANA)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH AT HYDERABAD

W.A.No. 721 OF 1997

in

O.A. S.R.No.1343 of 1997

Between:

Ch. Bhupal Goud Alias Ch. Bhikusam,
S/o Ayodya, aged about 48 years,
Photographer grade.II
Defence Research and Development
Laboratory, Chandrayangutta,
Hyderabad, R/o Hyderabad.

.. Applicant

and

1. The Scientific Advisor to
Ministry of Defence & Director
General, Defence Research and
Development Organisation,
Directorate of Personnel, DHO,
PO, New Delhi.
2. The Director, Defence Research
and Development Laboratory,
Kanchaiahgah, Hyderabad.

.. Respondents

MISCELLANEOUS APPLICATION FILED UNDER 8(B) OF CAT PROCEDURE
RULES FOR CONDONATION OF DELAY IN RESUBMISSION OF THE OA SR.

For the reasons stated in the accompanying affidavit,
the Hon'ble Tribunal may be pleased to condone the delay
of 67 days in re-submitting the OA SR No.1343/97 and
pass such other and further orders as may be deemed fit.

Hyderabad

Dated: 23-7-97


COUNSEL FOR THE APPLICANTS

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH AT HYD' BAD

W.A. NO. 721 OF 1997

in

OA SR No. 1343 OF 1997

Between:

Ch. Bhupal Goud alias
Ch. Bhikusham

.. Applicant

and

The Scientific Advisor to
Ministry of Defence, & D.G., DRDO
Govt. of India, New Delhi
and another

.. Respondents

A F F I D A V I T

I, K.P.M. Srinivasa Rao, S/o P. Shivaji Rao, aged about 26 years, working as Advocate, R/o Hyderabad, do hereby solemnly and sincerely affirm and state on oath as under:

1. I am the deponent herein and the counsel for the applicants in OA SR No. 1343 of 1997. The above OA was filed before this Hon'ble Tribunal for the direction ~~of~~ to respondents to treat the applicant as in a service with all consequential benefits. The office has made some objections while filing the OA and returned the bundle for resubmission. We have informed ~~the~~ to the Client about objections raised by the office. After taking instructions from client we resubmitted the OA, ~~now~~ ^{now} ~~after~~ by answering the all objections made by the office. As such the delay caused in representation of the OA is neither wilful nor wanton. As such there is a delay of 67 days in representing the OA SR No. 1343 of 1997.

cont....

IN THE CENTRAL ADMINISTRATIVE
TRIBUNAL: HYDERABAD BENCH AT
HYDERABAD

M.A.No. of 1997

in

OA SR No. 1343 of 1997

Between:

Ch. Bhupal Goud alias
Ch. Bhikusham .. Applicant

and

The Scientific Advisor
to Ministry of Defence
and others .. Respondents



M.A. Filed for Condonation of
Delay in representation Under
83) of C.A.T. Procedure Rules.

Mr. S. Lakshma Reddy, Advocate
and P.M. Srinivasa Rao, Advocate
COUNSELS FOR THE APPLICANTS

It is therefore, prayed that the Hon'ble Tribunal may be pleased to condone the delay of 67 days in re-submitting the OA SR No.1343 of 1997 which is neither wilful nor wanton but for the circumstances explained above and pass such other and further orders.

Sworn and signed on this the
day of July, 1997
at Hyderabad.


Deponent

Before me

ADVOCATE

W.A. 721/97 in C.O.S.R.

no. 1343/97.

31.7.97.

दुसरी प्रति DUPLICATE

बेंच केस/BENCH CASE

CENTRAL ADMINISTRATIVE TRIBUNAL DEFENCE
HYDERABAD BENCH: HYDERABAD.

M.A. NO. 721 OF 1997.

IN

C.O.S.R. NO. 1343 OF 1997

Learned Counsel
for the applicant
and his counsel
for respondents

M.A., is allowed

The delay in
representation

of C.A., is

Condoned by
C.A. list on reading

H.B.S.P.

H.B.R.S.

M.L.J.

M(A)

Condon the delay of 67 days in
Representation of O.A.

SSS

Mr. S. Lakshma Reddy
COUNSEL FOR THE APPLICANTS.

AND

Mr. _____
Sr. ADDL. STANDING COUNSEL FOR
C.G. Rlys.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH :: AT HYDERABAD

M.A.NO. *894* OF 1998

IN

O.A.NO. 984 OF 1997

BETWEEN;

Ch.Bhupal Goud alias Ch.Bhikusham,
S/o Ayodhya, aged 49 years,
Photographer Grade.II,
Defence Research and Development
Laboratory, Chandrayangutta,
Hyderabad.

....APPLICANT

A N D

1. Scientific Advisor to
Rakshmantri & Director General,
DRDO, Ministry of Defence,
New Delhi.
2. Director, Defence Research
and Development Laboratory,
Chandrayangutta, Hyderabad.

....RESPONDENTS

MISCELLANEOUS APPLICATION FILED UNDER
RULE 8 (3) OF CAT (PROC) RULES

For the reasons stated in the accompany-
ing affidavit, it is prayed that the Hon'ble Tribunal
may be pleased to direct the respondents to pay the
salaries to the applicant by treating the applicant
as in service as Photographer Grade.II and be pleased
to pass such other and further order or orders as may
be deemed fit.

Hyderabad

Dated: 20.10.98.

S. Laxman Reddy
COUNSEL FOR APPLICANT

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH ;; AT HYDERABAD

M.A.NO. 894 OF 1998

IN

O.A.NO. 984 OF 1997

BETWEEN:

Ch.Bhupal Goud Alias Ch.Bhikusham ...APPLICANT

A N D

Scientific Advisor to Raksha Mantri
& Director General, DRDO, Ministry
of Defence and another. ...RESPONDENTS

A F F I D A V I T

I, Ch.Bhupal Goud alias Ch.Bhikusham,
S/o Ayodhya, aged 49 years, Photographer Grade.II,
DRDL, Hyderabad, do hereby solemnly and sincerely
affirm and state on oath as under:

1. That I am the deponent herein and the
applicant in the above OA filed before this Hon'ble
Tribunal. Therefore, I am fully acquainted with the
facts of the case.

2. It is respectfully submitted that I have
filed the above OA for directing the respondents to
treat me as in service with all consequential bene-
fits, in view of the respondents not accepting my
voluntary retirement in my own name i.e., Ch.Bhupal
1st page

corrections;

Attestor

Deponent

Goud alias Ch.Bhikusham and not allowing me pension and other retirement benefits but accepting the voluntary retirement on the non-existing name i.e., Ch.Bhikusham and insisting on me to submit his pension and other retirement benefits in the name of the said non-existing name Ch.Bhikusham. The said OA was filed as early as in the month of April, 1997 and the Hon'ble Tribunal was pleased to admit the OA on 4.8.97. After admission and notice to the respondents in the said OA, the respondents have issued a letter dated 22.8.97 referring to the earlier letters dated 23.2.96 and 29.11.96, which are impugned in OA 984/97 and directed me to submit the pension papers against the same non-existing name of Ch.Bhikusham to enable the office to pass his pension papers. Since, I have already filed the OA, it is submitted that the respondents would not have issued the letter dated 22.8.97 again insisting on me to submit in the name that to contrary to the judgment of this Hon'ble Tribunal in OA 467/87 dated 29.9.87. Through my letter dated 4.9.98, I have requested the respondents to pay the salaries in view of the fact that my services were not terminated and the said Ch.Bhikusham has not applied for voluntary retirement and it is only Ch.Bhupal Goud alias Bhikusham, who has applied for voluntary retirement. Meanwhile, the Hon'ble Tribunal in OA 1382/96 has held that the punishment order dated 29.12.93 imposing the penalty

2nd page

corrections;

Attestor

Deponent

:: 3 ::

of censure without any order with reference to the treatment of the period from suspension till the date of reinstatement is incomplete through its judgment dated 2.9.98 and directed the respondents to pass orders with regard to the treatment of the period from the date of suspension to the date of reinstatement. The applicant has made representation dated 9.9.98 to implement the said judgment of the Hon'ble Tribunal. The respondents through their letter dated 6.10.98 has rejected the request of the applicant for payment of salaries saying that he is already voluntarily retired from service with effect from 25.7.94. Hence, the applicant is constrained to file this MA since the applicant is neither being paid the pension nor being paid the salary, due to the unreasonable stand taken by the respondents.

3. It is further submitted that the respondents either should not have accepted the voluntary retirement by the applicant in the name of Ch.Bhikusham and ought to have insisted before accepting the voluntary retirement for submitting a fresh application in the name of Ch.Bhikusham only in the place of Bhupal Goud alias Bhikusham. They could not have unilaterally accepted the voluntary retirement not in the name in which it was applied but in the name of Ch.Bhikusham, who has not applied for voluntary retirement. The unreasonable stand taken by

3rd page

corrections;

Attestor

Deponent

:: 4 ::

the respondents is putting the applicant to grave hardship and the present letter dated 6.10.98 is adding fuel to his already long sufferings. The applicant is not being allowed to exercise his free choice and put to coercion to submit in the name of Ch.Bhikusham. Under the circumstances, the applicant is constrained to file this MA to direct the respondents to pay the salaries by treating him as in service as Photographer Grade.II.

Therefore, it is prayed that the Hon'ble Tribunal may be pleased to direct the respondents to pay the salaries by treating the applicant as in service as Photographer Grade.II and be pleased to pass such other and further order or orders as may be deemed fit.

Sworn and signed on this
the 20th day of October, 1998
at Hyderabad.

DEPONENT

4th and last page
corrections:

Before Me

Advocate/Hyderabad

given in the order in OA 1381/96 in this OA also.

3. The OA is disposed of as above. Time for compliance is 3 months from the date of receipt of a copy of this order. No order as to costs.

సమీక్షా విధి
CERTIFIED TO BE TRUE COPY

[Signature]

జూనియర్ అధికారి
COURT OFFICER
కేంద్రాధికారి
Central Administrative Tribunal
హైదరాబాద్ బెంచ్
HYDERABAD BENCH

<p>OA-1382/96</p> <p>2/2/98</p> <p>4/9/98</p> <p>Section Officer</p>
--

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO.1382 of 1996

DATE OF ORDER: 2nd SEPTEMBER, 1996

BETWEEN:

Ch.BHUPAL GOUD, Alias Ch.BIKSHAM

and

The Director, Defence Research
Development Laboratory (DRDL),
Chandrayangutta,
Hyderabad.



APPLICANT

RESPONDENT

COUNSEL FOR THE APPLICANT: Mr.S.LAXMA REDDY

COUNSEL FOR THE RESPONDENT: Mr.V.RAJESWAR RAO, ADDE.CCSC

CORAM:

HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.)

HON'BLE SHRI B.S.JAI PARAMESHWAR, Member (JUDL.)

JUDGEMENT

(ORAL ORDER PER HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.))

Heard Mr.S.Laxma Reddy, learned counsel for the applicant and Mr.V.Rajeswara Rao, learned standing counsel for the respondents.

2. This OA is also similar to the OA No.1381/96 which was disposed of today. The contentions and the prayer in this OA are the ~~same~~ ^{similar} to that of OA 1381/96. The order passed in OA 1381/96 will squarely hold good in this OA also. The respondents should act as per the directions

Contd....

MA 894/98
OA 984/98

पुस्तरी प्रति DUPLICATE

13-11-98

Post on Monday

बेच केस/BENCH CASE

सूचक/DEFENCE

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD.

80 HHRP DHNT
M(A) HVC

M.A.NO. 894 of 1998
IN

7.1.99

Applicant not represented
Post on 12.99.

O.A.NO. NO 984 of 1997

HHRP HDHNT
M(A) VC

4.6.99

Post on 7.6.99.

HHRP HDHNT
M(A) VC

Discretion Petition

22-7-99.

Post reg MA along with the
OA for final hearing

HRRM HDHNT
M(A) HVC

23/7/99

Post on Monday i.e. 26/7/99.

HRRM HDHNT
M(A) VC

23/7/99

9/8/99
Last Day after tomorrow above
admission for orders.

SSSP HRRM
(5) M(A)

Mr. S. Laxma Reddy
COUNSEL FOR THE APPLICANT.
AND

Mr. V. Vinod Kumar
Sr. ADDL. STANDING COUNSEL
C.G. RLY.

MA 894/Ag in 04.84/97

DF 11.8.99

Heard

order delivered in de
separate sheet, MA is
dismissed

HBSP

M(A)

HRN

M(A)

FORG. S.