

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No. 1440/97

Date of Order : 8.4.99

BETWEEN :

P.Shekhar

.. Applicant

AND

1. Union of India, rep. by its
Secretary, Ministry of
Urban Affairs and Employment
Nirman Bhavan, New Delhi.

2. Director General of Works, CPWD,
Nirman Bhavan, New Delhi.

3. Supdt. Engineer (Coordination)
Central Public Works Dept.
Madras.

4. Superintendent Engineer,
Hyderabad Central Circle-I,
Nirman Bhavan, Koti,
Hyderabad.

5. Executive Engineer,
Hyderabad Central Division-III,
CPWD, Nirman Bhavan, Koti,
Hyderabad.

.. Respondents.

— — —

Counsel for the Applicant

.. Mr.V.Durga Rao

Counsel for the Respondents

.. Mr.V.Rajeswara Rao

— — —

CORAM :

HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMIN.)

HON'BLE SHRI B.S. JAI PARAMESHWAR : MEMBER (JUD L.)

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O R D E R

X As per Hon'ble Shri R.Rangarajan, Member (Admn.) X

— — —

None for the applicant. Mr. V.Rajeswara Rao, learned standing counsel for the respondents.

2. The applicant was engaged on hand receipt w.e.f. 25.7.86 to 31.8.88. Later he was engaged by a contractor. At the time of filing this OA it is stated that the applicant was a contract labourer employed by a contractor ^{of} by CPWD. The applicant relying on the "Casual Labourers (Grant of Temporary Status and Regularisation) Scheme of the Government of India 1993 requests that he should be regularised as he has completed 240 days of service in 2 consequent years.

3. This OA is filed praying for a direction to the respondents to regularise the applicant as any Group-D by continuing his services with all consequential benefits.

4. A reply has been filed in this OA. The main contention of the respondents is that the applicant is a contract labourer employed by a contractor and not by the department and hence he does not come under the scheme for regularisation.

5. The contentions and prayer in this OA are similar to the contentions and prayer in O.A. 629/97 (Prashant V.Dondaliker v. Union of India). In that OA it was directed as follows

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"The applicant if so advised may submit a detailed representation to R-2 in that OA to consider his case in accordance with the letter dated 18.8.93 by that time the scheme was introduced. That representation may also be sent to the respondents on the field level so as to enable them to give their view point on this to R-2. If such a representation is received that representation should be disposed of in accordance with the law within a period of 3 months from the date of receipt of a copy of the representation by R-2. If there is work for the post of Beldar the applicant should be preferred to freshers".

6. This OA is similar one, and hence the same is disposed of as under :-

The applicant ^{may}, if so advised may submit a representation ^{to supervisor} to the field level, so as to enable the field level supervisor to examine the case. If such a representation is received the R-2 should dispose of the representation within 3 months from the date of receipt of a copy of the representation. The status-quo as on date may be continued instead of appointing any freshers from the open market.

7. With the above direction the OA is disposed of.

No costs.

H. S. JAI PARAMESHWAR)
Member (Judl.)
8/4/99

R. RANGARAJAN
(R. RANGARAJAN)
Member (Admn.)

Dated : 8th April, 1999
(Dictated in Open Court)

sd

Anil
Anil
Anil

COPY TO:-

1. HONNO
2. HHRP M(A)
3. HBSJP M(J)
4. B.R. (A)
5. SPARE

1ST AND 2ND 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. H. RAJENDRA PRASAD :
MEMBER (A)

THE HON'BLE MR. R. RANGARAJAN
MEMBER (A)

THE HON'BLE MR. B. S. JAI PARAMESWAR :
MEMBER (J)

DATED: 8.4.99

ORDER / JUDGEMENT

MA./R.A./C.P.No.

IN

C.A. No. 1440/97

ADMITTED AND INTERIM DIRECTIONS
ISSUED.

ALLOWED.

C.P. CLOSED.

R.A. CLOSED.

DISPOSED OF WITH DIRECTIONS.

DISMISSED.

DISMISSED AS WITHDRAWN.

ORDERED/REJECTED

NO ORDER AS TO COSTS / DESPATCH

SRR

(9 copies)

केन्द्रीय व्यायामिक अधिकारण
Central Administrative Tribunal

HYDERABAD BENCH

- 6 MAY 1999

हृषीकेश व्यायामी
HYDERABAD BENCH

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

ORIGINAL APPLICATION NO. 1440 OF 1997

V/S

Respondent(s) 7.

Applicant(s)

P. Shekar.
By Advocate Shri:

(By Secretary to Standing Counsel
Ministry of Urban Affairs,
Employment New-Delhi & others.

K. Venkateswara Rao.

To.

1. The Secretary, Ministry of Urban Affairs and Employment
Nirman Bhavan, New-Delhi.
2. The Director General of Works, CPWD, Nirman Bhavan, New-Delhi.
3. The Superintendent Engineer (Coordination), Central Public
Works Dept. Madras.
4. The Superintendent Engineer Hyderabad Central Circle, I,
Nirman Bhavan, Ketti Hyderabad.
5. The Executive Engineer, Hyderabad Central Division-III,
CPWD, Nirman Bhavan, Ketti, 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 document
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 Twenty Ninth day of October 1997
Twenty Ninth.

//BY ORDER OF THE TRIBUNAL//

7.1

FOR REGISTRAR.

Date:
6-11-97

केन्द्रीय प्रशासनिक विधिकरण
Central Administrative Tribunal
DISPATCH

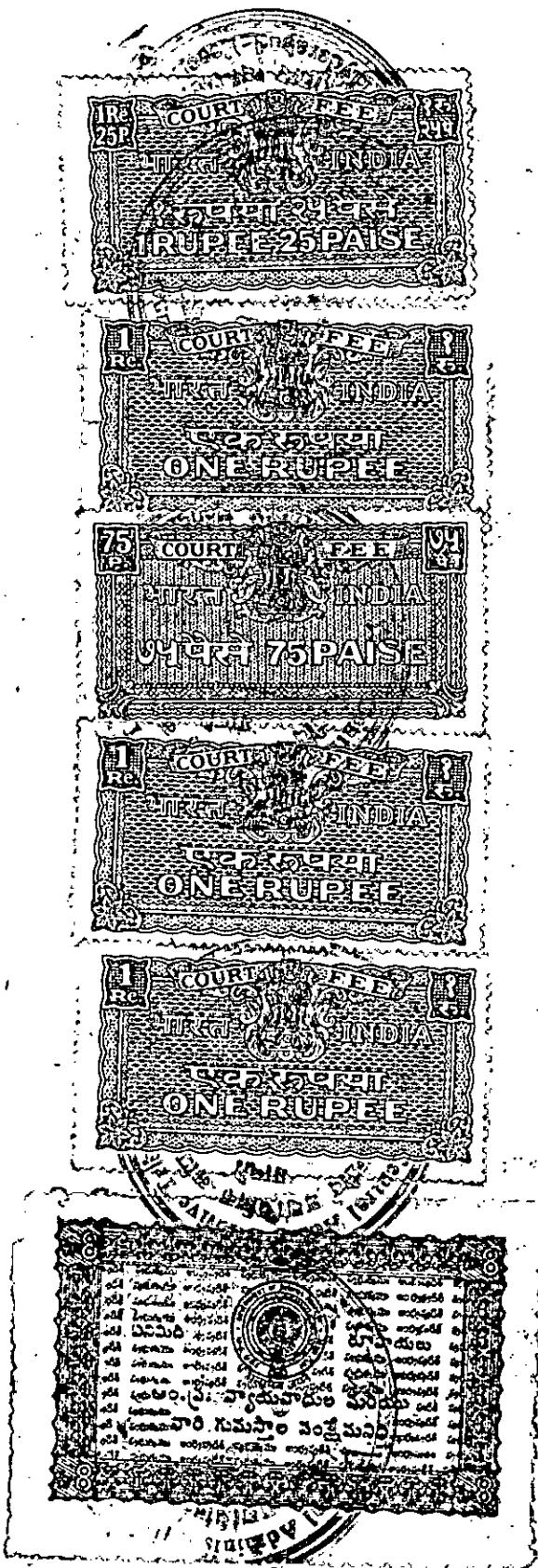
12 NOV 1997, New

CV
7/11/97

हैदराबाद आयपोठ

HYDERABAD BENCH





S. R. No.

DISTRICT

In the Central
Andhra Pradesh
Administrative Tribunal, Hyd Benl
at Hyderabad

VAKALAT

IN

O. A. No.

2339

of 1997

ACCEPTED

V. Venkateswaran
No Objection

APPLICANT
Advocate for PETITIONER
RESPONDENT

APPLICANT
Advocate for PETITIONER
RESPONDENT

Address for Service of the said Advocate is at
R. Venkateswaran, 2-2-1136/3, Share 4653 No 9

Tajalaxmi Nivas
New Mallaik
Hyd

Central Administrative
In the Andhra Pradesh Administrative Tribunal, Hyd Bvr
at Hyderabad.

SR
Q. A. No.

WWD

2339

of 1997

P. Shekhar

VERSUS

I/We *VOI, rep. by its Secretary
Min. of Urban Development
Affairs, New Delhi & other*

Applicant

Petitioner

Respondent

Applicant

Petitioner

Respondent

In the above Petitioner do hereby appoint and retain:

*K. Venkateswararao
Advocate,*

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



P. Billes

I Certify that the contents of this VAKALAT were recd and explained in English and Telugu in my presence to the executants who appeared perfectly to understand the same and made his/her/their signature or mark in my presence.

Executed before me this 3rd day of Oct 1997.

B.S.A. SATYANARAYANA
Advocate's Hyderabad.

S. R. No

District

Central Administrative Tribunal
In the High Court of Judicature
Andhra Pradesh at Hyderabad

APPELLATE SIDE

No. OA

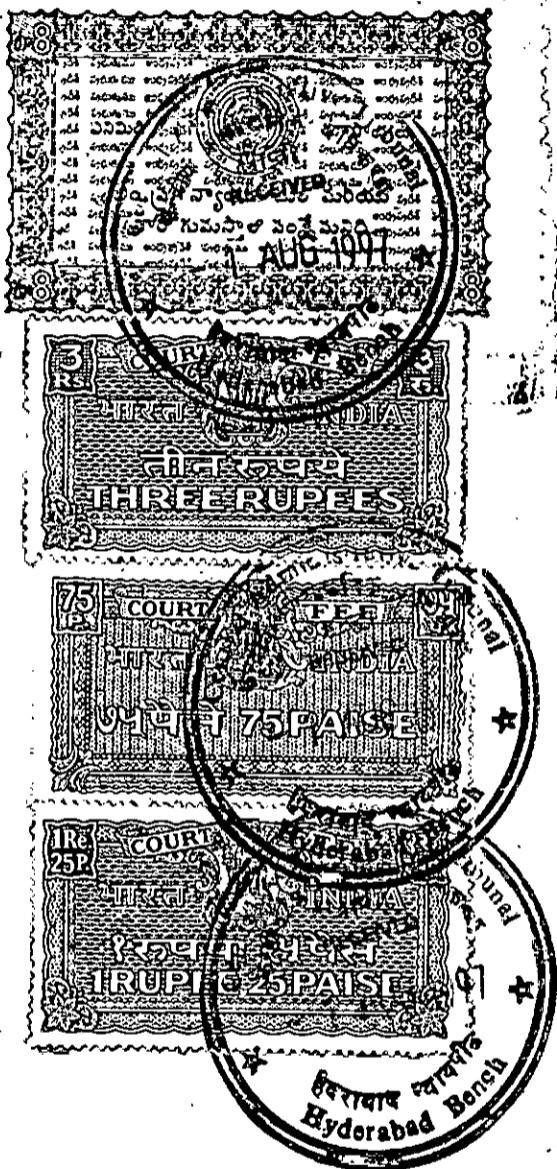
of 199

AGAINST

No.

199

On the file of the Court of _____



VAKALAT

ACCEPTED

31.7.97

Appellant
Counsel for Petitioner
Respondent

Dated ----- 199 -----

ADVOCATE

Appellant
Advocate for Petitioner
Respondent

Address for Service :

Phone :

W. Satyanarayana
Advocate,
C/o. CAT Bar Association
Hyderabad-4
OR

The Advocates Association,
High Court Buildings,
Hyderabad-500 266.

Central Administrative Tribunal, Hyderabad
In The High Court of Judicature
Bench

Andhra Pradesh at Hyderabad

APPELLATE SIDE

O.A. No.

duo

of 1997.

AGAINST

No.

of 199

On the file of the Court of

P. Shekar

Appellant
Petitioner

VERSUS

V.O.P. rep. by its Secretary
Min. of Urban Development
Affairs, & Emp. New Delhi 84
We

PETITIONER

RESPONDENT

In the above Application do hereby appoint



ADVOCATE

Advocates 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 applications 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 applications for review of Judgment.

P. Bille

I certify that the contents of this Vakalat were read out and explained in (.....English.....) in my presence to the executants who appeared perfectly to understand the same and made his / her / their signatures or mark in my presence.

Executed before me this 1st day of August 1997.

Ramji
Advocate, Hyderabad.

FOR ORDERS OF THE HON'BLE TRIBUNAL

O.A. SR. No. 2339/97 was filed by Shri W. Satyanarayana, Advocate. On scrutiny, at the very outset it was found that Shri W. Satyanarayana, Advocate has been assisting the Senior Standing Counsel for the respondents and also representing the Government in many cases. His name also appeared in some Judgements as representing, arguing on behalf of the Government. The Registry raised an objection as to a counsel representing the Senior Standing Counsel of the Government filing a case against the Government, who is so associated with the office of the Senior Standing Counsel for the Central Government on whom the copy of the present case was also served etc.

To this counsel replied as follows:-

"I am not appointed as Standing Counsel by Government of India. I am only assisting Shri N. R. Devaraj, Senior ~~XXX~~ CGSC. like any other counsel. I never appeared for the respondents directly and only represented Mr. N. R. Devaraj, who represents Govt. of India. In the present case I have not received the OA copy and the copy of OA served on Senior Standing Counsel and he has allotted this case to another Addl. CGSC. As I have duly enrolled as an Advocate with the Bar council of A.P. I have a right to practice of Law before any court within A.P. It may not be out of place to mention here. Even in cases where the Government feels that a Sr. Private Advocate is required to defend the Government cases, the Government is engaging such Sr. Advocates as it thought fit, even though they have appeared in cases which are filed against Govt. of India. In view of the above circumstances. I request you to allot the number and list it for admission before the Hon'ble Bench."

The Govt. of India, Department of Personnel & Training circular letter No. A-11019/86-97-AT dt. 15-11-1988 (Swamy's C.A.T. Act, page No. 56-57, seventh edition) deals with the above issue.

It says"..... It has been decided in consultation with the Department of Legal Affairs that every Counsel in the Tribunal will have the right to private practice which should not, however, interfere with the efficient discharge of his duties as a Counsel for the Govt. of India. This will, however, be subject to the condition that a counsel shall not advise any

party in or accept any case against the Government of India in which he has appeared or is likely to be called upon to appear for or advise or lead to litigation against the Government of India.

2. If the Counsel happens to be a partner of a firm of lawyers or solicitors it will be incumbent on the firm not to take up any case against the Govt. of India in the concerned Bench if the Tribunal or any case arising in other courts out of those cases, eg., appeals and revisions in the Supreme Court.
3. In view of the above position explained above, a counsel is not supposed to advise any party which may prejudice the interest of the Government of India.

However, the above circular is silent about the position of the Juniors etc., of the Sr. Standing Counsel to the Government of India.

In the circumstances, it is submitted for orders.

Amit
DEPUTY REGISTRAR.

Central Administrative Tribunal,
Hyderabad Bench, Hyderabad.



OA/6A No. 1440 of 1997

MEMO OF APPEARANCE

V. RAJESWARA RAO
ADVOCATE

Standing Counsel for Railways,
Addl. Standing Counsel for Central Govt.

Counsel for..... *Respondent*

Address for Service ;

Phone : 272585

104/2 RT, Sanjeevareddy Nagar,
HYDERABAD-500 038.

**Central Administrative Tribunal, Hyderabad Bench,
HYDERABAD.**

OA/CA No.

1440

of 1997

BETWEEN

P. Shekar

Applicant (s)

vs.
001 Rep by Lt. Governor
Min. of Urban Affairs
New Delhi & others

Respondent (s)

MEMO OF APPEARANCE

To,

I V. Rajeswara Rao, Advocate, having been authorised.....

(here furnish the particulars of authority)

by the Central/State Government/Government Servent/ authority/corporation/
society notified under Sec. 14 of the Administrative Tribunals Act, 1985. Hereby appear for
applicant No/Respondent No and undertake to plead and act
for them in all matters in the aforesaid case.



Place : Hyderabad

Date : 28/7/98

Address of the Counsel for Service

V. Rajeswara Rao
104/2 RT. Sanjeevareddy Nagar,
HYDERABAD - 500 038.

V. RAJESWARA RAO
Standing Counsel for Railways,
Addl. Standing Counsel for Central Govt.

Signature & Designation of the Counsel.

S. R. No

HYDERABAD District

CENTRAL ADMINISTRATIVE TRIBUNAL
In the ~~State of Andhra Pradesh~~
Andhra Pradesh at Hyderabad

APPELLATE SIDE

No. of 199.

AGAINST

O. A. No. 1440 1997.

On the file of the Court of _____

VAKALAT

ACCEPTED

*1/5 Dijra
1/2 v/c after wark*

V. Durla

Counsel for Appellant
 Petitioner
 Respondent

Dated 6/9/1998

ADVOCATE

V. DURUARAO

Advocate for Appellant
 Petitioner
 Respondent

Address for Service :

Phone : 7600034

OR

The Advocates Association,
High Court Buildings,
Hyderabad-500 266.

In The

CENTRAL ADMINISTRATIVE TRIBUNAL.

Andhra Pradesh at Hyderabad

No.

of 199 .

A G A I N S T

O. A. No.

1440

of 1997.

P. SHEKAR, S/o P. VENKATAK.

NARAYANA GUDA - HYDERABAD.

Applicant
Petitioner

V E R S U S

UNION OF INDIA, Rep by its Secretary,
MINISTRY OF URBAN APPRENTICESHIP & EMPLOYMENT. Respondent
NARESH KRAVAN, NEW DELHI.

1
We

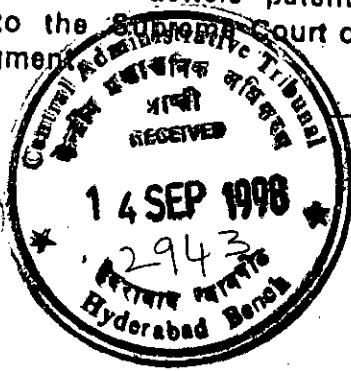
PETITIONER

RESPONDENT

In the above Application do hereby appoint and retain

A D V O C A T E

Advocates 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 applications 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 applications for review of Judgment.



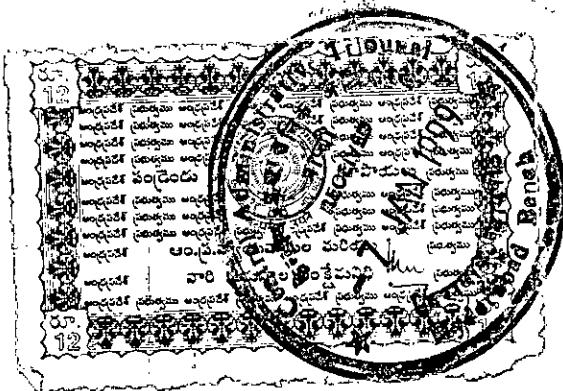
P. Bille

I certify that the contents of this Vakalat were read out and explained in (.....) in my presence to the executants who appeared perfectly to understand the same and made his / her / their signatures or mark in my presence.

Executed before me this 13th day of September 1998

T. K. Venkateswaran
Advocate Hyderabad.

Central Administrative Tribunal,
Hyderabad Bench, Hyderabad.



OA/CA No. 1440 of 1997

MEMO OF APPEARANCE

V. RAJESWARA RAO
ADVOCATE

Standing Counsel for Railways,
Addl. Standing Counsel for Central Govt.

Counsel for... *Respondents*

Address for Service :

Phone : 272585

104/2 RT, Sanjeevareddy Nagar,
HYDERABAD-500 038.

**Central Administrative Tribunal, Hyderabad Bench,
HYDERABAD.**

OA/GA No.

1440 of 1997

BETWEEN

Shri P. Sekhar, S/o P. Venkataiah

Applicant (s)

Vs.

UNION OF INDIA represented
by IES SECRETARY

Respondent (s)

MINISTRY OF URBAN AFFAIRS
AND EMPLOYMENT
NIRMAN BHAVAN, NEW DELHI

MEMO OF APPEARANCE



To,

I V. Rajeswara Rao, Advocate, having been authorised.....

(here furnish the particulars of authority)

by the Central/State Government/Government Servent/..... authority/corporation/
society notified under Sec. 14 of the Administrative Tribunals Act, 1985. Hereby appear for
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for them in all matters in the aforesaid case.

Place : Hyderabad.

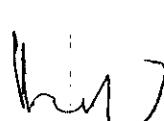
Date : 6-1-99

Address of the Counsel for Service

V. Rajeswara Rao

104/2 RT Sanjeevareddy Nagar,

HYDERABAD - 500 038.


V. RAJESWARA RAO
Standing Counsel for Railways,
Addl. Standing Counsel for Central Govt.

Signature & Designation of the Counsel.

Contd....from prepage.

It says "..... It has been decided in consultation with the Department of Legal Affairs that every Counsel in the Tribunal will have the right to private practice which should not, however, interfere with the efficient discharge of his duties as a Counsel for the Go vt. of India. This will, however, be subject to the condition that a counsel shall not advise any party in or accept any case against the Government of India in which he has appeared or is likely to called upon to appear for or advise or lead to litigation against the Govt. of India.

2. If the Counsel happens to be a partner of a firm of lawyers or solicitors it will be incumbent on the firm not to take up any case against the Govt. of India in the concerned Bench of the Tribunal or any case arising in other courts out of those cases, eg., appeals and revisions in the Supreme Court.

3. In view of the above position explained above, a counsel is not supposed to advise any party which may prejudice the interest of the Govt. of India."

However, the above circular is silent about the position of the Jouniers etc., of the Sr. Standing Counsel to the Govt. of India .

In the circumstances, it is submitted for orders.

DEPUTY REGISTRAR.

12/8/97

FOR ORDERS OF THE HON'BLE TRIBUNAL

OA SR no.2339/97 was filed by Shri W.Satyanarayana, advocate. On scrutiny, at the very outset it was found that Shri W.Satyanarayana, Advocate has been assisting the Sr.Standing Counsel for the respondents and also representing the Government in many cases. His name also appeared in some Judgments as representing, arguing on behalf of the Govt. The Registry raised an objection ~~in Sr. Standing Counsel~~ as to a counsel representing ~~the Government~~ filing a case against the Govt, whose name appeared in many a case arguing as ~~the~~ counsel, who is also associated with the Office of the Sr.Standing Counsel for the Central Government on whom the copy of the present case was also served etc.

To this the counsel replied as follows: " I am not appointed as Standing Counsel by Govt. of India. I am only assisting Shri N.R.Devraj, Sr.CGSC, like any other counsel. I never appeared for the respondents directly and only represented Mr.N.R.Devraj, who represents Govt. of India. ~~If my name appears for the respondents directly that should be mistake of concerned Steno.~~ In the present case I have not received the OA copy and the copy of OA served on Sr.Standing counsel and he has allotted this case to another Addl.CGSC. As I have duly enrolled as an Advocate with the Bar council of A.P. I have a right to practice of Law before any court within A.P. It may not be out of place to mention here. Even in cases where the Govt. feels that a Sr.Private Advocate is required to defend the Govt. cases , the Govt. is engaging such Sr. Advocates as it thought fit, even though they have appeared in cases which are filed against Govt. of India. In view of the above circumstances I have a right to file the above case. I request you to allot the number and list it for admision before the Hon'ble Bench .

Sd/-
W.Satyanarayana.

Counsel for the applicant."

The Govt. of India, Deptt.of Personnel & Trg. circular letter no.A-11019/86-97-AT dt.15.11.1988 (Swamy's C.A.T Act, page no.56-57, seventh edition) deals with the above issue.

rom prepage.

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If the Counsel happens to be a partner of a firm of lawyers or solicitors it will be incumbent on the firm not to take up any case against the Govt. of India in any concerned Bench of the Tribunal or any case arising in other courts out of those cases, e.g., appeals and sessions in the Supreme Court.

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In the circumstances, it is submitted for orders.

DEPUTY REGISTRAR.

17/8/97.

FOR ORDERS OF THE HON'BLE TRIBUNAL

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To this the counsel replied as follows: " I am not engaged as Standing Counsel by Govt. of India. I am only engaged by Shri N.R.Devraj, Sr. CGSC, like any other counsel. I have not appeared for the respondents directly and only represented Mr.N.R.Devraj, who represents Govt. of India. If my name appears for the respondents directly that should be concerned Steno. In the present case I have not received OA copy and the copy of OA served on Sr. Standing counsel has allotted this case to another Addl.CGSC. As I am not enrolled as an Advocate with the Bar council of A.P. I have the right to practice of Law before any court within A.P. It will not be out of place to mention here. Even in cases where Govt. feels that a Sr. Private Advocate is required to defend Govt. cases, the Govt. is engaging such Sr. Advocates as they thought fit, even though they have appeared in cases which were filed against Govt. of India. In view of the above circumstances I have a right to file the above case.

Sd/-
W.Satyanarayana.

Counsel for the applicant

The Govt. of India, Deptt. of Personnel & Trg. circular letter no. A-11019/86-97-AT dt. 15.11.1988 (Swamy's C.A.T A-1 page no. 56-57, seventh edition) deals with the above issue.

Contd...page

In the present case I have not received the O.A. copy and the copy of O.A. served on Dr. Standing Counsel and he has allotted this case to another Addl. C.S.C. As I ~~am~~ have ^{been} enrolled as an Advocate with the Bar Council of A.P., I have a right to practice of Law before any Court within A.P.

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In view of the above circumstances I have a right to file the above case. Hence I request you to ~~now~~ allot the number and list it for admission before the Hon'ble Dev.



18
DB
11/8/97

Counsel for the Applicant

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH.

O.A. REGD. NO 2339 / 97

Date: 1-8-97

To Sh. W. Satyanarayana, 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) The counsel's name appears in many cases as the counsel for the respondents (Central Govt) as well as for the appellants. He is also associated with the Sir. Standing Counsel of the Central Govt. whom even in the circumstances matter was served. In the circumstances the counsel to clarify how he can file a case against the same party whom he has been advising, appearing ~~as~~ on its behalf etc.



Deputy Registrar (JUDL)

Submitted

Sir,

I am not appointed as Standing Counsel for by Govt. of India. I am only assisting Sri. N.R. Devaraj, Sr. C.R.A., like any other Counsel. I never appeared for the Respondents direct and only represented Mr. N.R. Devaraj who represents the Govt. of India. (If my name appears for the Respondents concerned, it is a mistake.)

Contd....from prepage.

It says "..... It has been decided in consultation with the Department of Legal Affairs that every Counsel in the Tribunal will have the right to private practice which should not, however, interfere with the efficient discharge of his duties as a Counsel for the Govt. of India. This will, however, be subject to the condition that a counsel shall not advise any party in or accept any case against the Government of India in which he has appeared or is likely to be called upon to appear for or advise or lead to litigation against the Govt. of India.

2. If the Counsel happens to be a partner of a firm of lawyers or solicitors it will be incumbent on the firm not to take up any case against the Govt. of India in the concerned Bench of the Tribunal or any case arising in other courts ut of those cases, eg., appeals and revisions in the Supreme Court.

3. In view of the above position explained above, a counsel is not supposed to advise any party which may prejudice the interest of the Govt. of India."

However, the above circular is silent about the position of the Jouniers etc., of the Sr. Standing Counsel to the Govt. of India .

In the circumstances, it is submitted for orders.

DEPUTY REGISTRAR.

24/9/

FOR ORDERS OF THE HON'BLE TRIBUNAL

OA SR no.2339/97 was filed by Shri W.Satyanaarayana, advocate. On scrutiny, at the very outset it was found that Shri W.Satyanaarayana, Advocate has been assisting the Sr.Standing Counsel for the respondents and also representing the Government in many cases. His name also appeared in some Judgments as representing, arguing on behalf of the Govt. The Registry raised an objection as to a counsel representing the Government filing a case against the Govt, whose name appeared in many a case arguing as the counsel, who is also associated with the Office of the Sr.Standing Counsel for the Central Government on whom the copy of the present case was also served etc.

To this the counsel replied as follows: " I am not appointed as Standing Counsel by Govt. of India. I am only assisting Shri N.R.Devraj, St.CGSC, like any other counsel. I never

represented

appears for the respondents directly that should be mistake of concerned Steno. In the present case I have not received the OA copy and the copy of OA served on Sr.Standing counsel and he has allotted this case to another Addl.CGSC. As I have duly enrolled as an Advocate with the Bar council of A.P. I have a right to practice of Law before any court within A.P. It may not be out of place to mention here. Even in cases where the Govt. feels that a Sr.Private Advocate is required to defend the Govt. cases, the Govt. is engaging such Sr. Advocates as it thought fit, even though they have appeared in cases which are filed against Govt. of India. In view of the above circumstances I have a right to file the above case,

Sd/-
W.Satyanaarayana.

Counsel for the applicant."

The Govt. of India, Deptt.of Personnel & Trg. circular letter no.A-11019/86-97-AT dt.15.11.1988 (Swamy's C.A.T Act, page no.56-57, seventh edition) deals with the above issue.