

27

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No. 1440/97

Date of Order : 8.4.99

BETWEEN :

P.Shekar

.. 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 (JUDL.)

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O R D E R

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

- - -

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.Dondalkar
v. Union of India). In that OA it was directed as follows -

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.. 3 ..

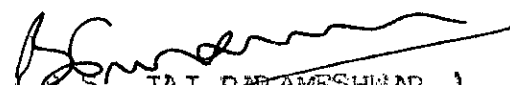
"The applicant if so advised may submit a detailed representation to R-2 in that OA to consider his case in accordance with the letter dated 18.8.93 by that time the scheme was introduced. That representation may also be sent to the respondents on the field level so as to enable them to give their view 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 the field level ^{Supervisor} 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.

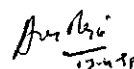
7. With the above direction the OA is disposed of.

No costs.


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


(R. RANGARAJAN)
Member (Admn.)

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


12/4/99

sd

COPY TO:-

1. HONND
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

SRR

केन्द्रीय प्रशासनिक अधिकरण Central Administrative Tribunal
डिस्पच / DESPATCH
- 6 MAY 1999
हैदराबाद न्यायपीठ HYDERABAD BENCH

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

ORIGINAL APPLICATION NO. 1440 OF 199 7

Applicant(s)

V/S

Respondent(s)

P. Shekar.
By Advocate Shri:

(By ~~Secretary~~ Standing Counsel)
(The Secretary, Min. 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, CWD, Nirman Bhavan, New-Delhi.
3. The Superintendent Engineer (Coordination), Central Public Works Dept. Madras.
4. The Superintendent Engineer Hyderabad Central Circle, I, Nirman Bhavan, Koti Hyderabad.
5. The Executive Engineer, Hyderabad Central Division-III, CWD, Nirman Bhavan, Koti, 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 ... 199 7
Twenty Ninth,

//BY ORDER OF THE ~~SECRETARY~~
~~SECRETARY~~

FOR REGISTRAR.

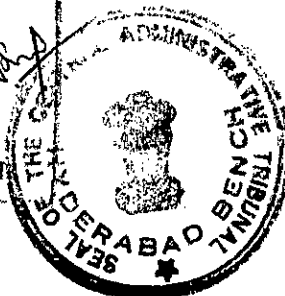
Date:
6-11-97

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
दस्तावेज / DESPATCH

12 NOV 1997

हैदराबाद न्यायपीठ

HYDERABAD BENCH



S. R. No.

DISTRICT

In the Central
Andhra Pradesh

Administrative Tribunal, Hyderabad
at Hyderabad

VAKALAT

IN

O. A. No. 88 2339

of 1997

ACCEPTED

K. Venkateswara Rao
No objection
[Signature]

APPLICANT

Advocate for PETITIONER
RESPONDENT

APPLICANT

Advocate for PETITIONER
RESPONDENT

Address for Service of the said Advocate is at

K. Venkateswara Rao
2-2-1136/3 / 1 Phae 4653409
Tayalaxmi Nagar
New Mallak
Hyd

Central Administrative
In the ~~Andhra Pradesh Administrative~~ Tribunal, *Hyd Bnr*
at Hyderabad.

SR
Q. A. No.

WHO
(2339)

of 1997

P. Shekar

VERSUS

VOI, rep. by its Secretary
Min. of Urban Development
Affairs, New Delhi & others

I/We

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 degree 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. B. Suresh



I Certify that the contents of this VAKALAT were read out 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 of mark in my presence.

Executed before me this *3rd* day of *Oct* 1997.

B.S.A. SATYANARAYANA

Advocate's Hyderabad.

(*B.S.A. SATYANARAYANA*)

S. R. No

District

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

APPELLATE SIDE

No. *OA* of 199 *7*

AGAINST

No. 199 .

On the file of the Court of _____

VAKALAT

ACCEPTED

0/2/31.7.97

Counsel for Appellant
Petitioner
Respondent

Dated.....199.....

ADVOCATE

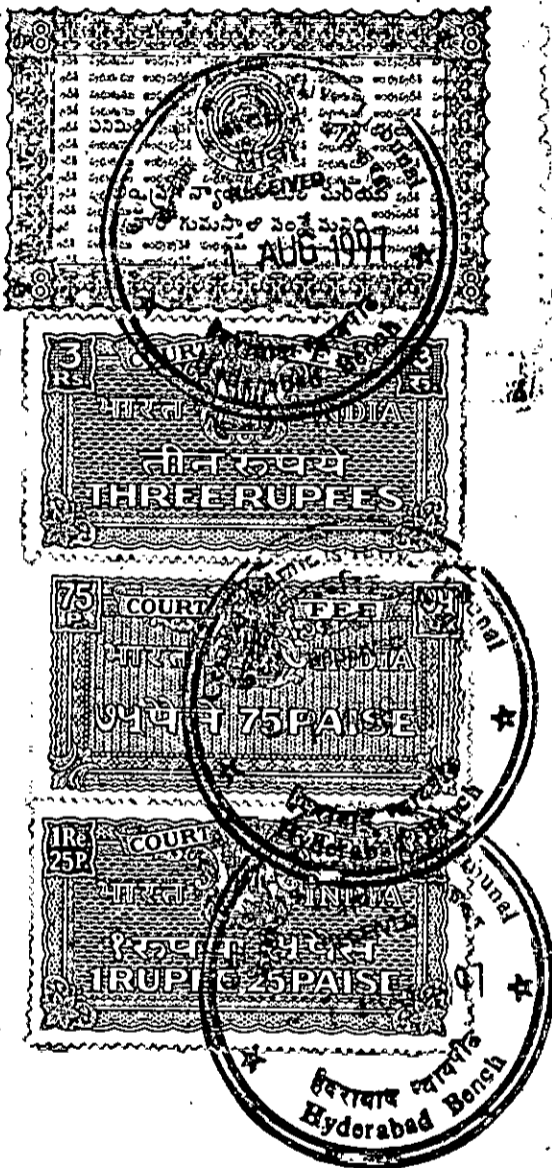
Advocate for Appellant
Petitioner
Respondent

Address for Service :

Phone :

W. Satyanarayana
Advocate
Co. CAT Bar Association
Hyderabad-4
OR

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



Central Administrative Tribunal, Hyd
Bench

In The High Court of Judicature
Andhra Pradesh at Hyderabad

APPELLATE SIDE

O.A. No. 4110 of 1997.

A G A I N S T

No. _____ of 199 _____

On the file of the Court of

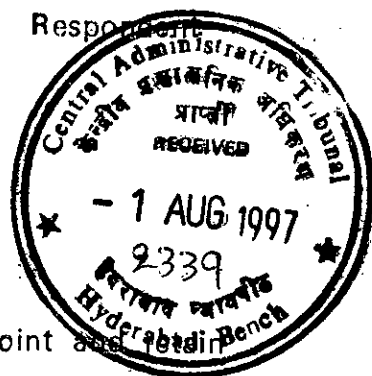
P. Shekar

Appellant
Petitioner

V E R S U S

UOI. rep. by its Secretary
Min. of Urban Development
Affairs, & Emp. New Delhi & Co

1
We



PETITIONER

RESPONDENT

In the above Application do hereby appoint and

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. B. Lakshmi

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 1 day of August 1997.

P. B. Lakshmi
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 ~~xxxxxx~~ 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.

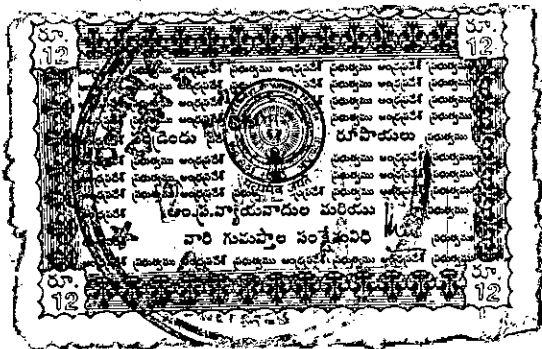
2. If the Counsel happens to be a partner of a firm of lawyers or solicitors it will be incumbent on the firm not to take up any case against the Govt. of India in the concerned Bench if the Tribunal or any case arising in other courts out of these cases, eg., appeals and revisions in the Supreme Court.

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.

Ambr
DEPUTY REGISTRAR.



Central Administrative Tribunal,
Hyderabad Bench, Hyderabad.

OA/GA 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.

Govt Rep by its Secretary
Muz & Urban Affairs
New Belthor & 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 ~~High Court 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

16/12/97
K. Venkateswamy

V. Duru Rao

Counsel for Appellant
Petitioner
Respondent

Dated 6/9 - 1998 -

ADVOCATE

V. DURU RAO

Advocate for Appellant
Petitioner
Respondent

Address for Service :

Phone : 7600034 .

OR

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



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

No.

of 199 .

A G A I N S T

O. A. No.

1440

of 1997.

On the file of the Court of

P. SHEKAR, S/o P. VENKATAH.
NARAYANA GUDA - HYDERABAD.

~~Appellant~~
Petitioner

V E R S U S

UNION OF INDIA, Secretary,
MINISTRY OF URBAN AFFAIRS & EMPLOYMENT - Respondent
NARAYAN BHAVAN, NEW DELHI.

1
We

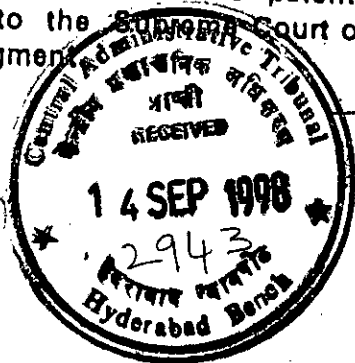
PETITIONER

~~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.



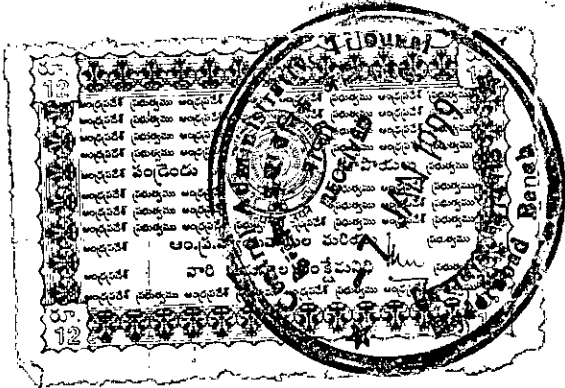
P. S. S. S.

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. S. S.
Advocate Hyderabad.

Central Administrative Tribunal,
Hyderabad Bench, Hyderabad.



OA/GA 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/CA No. 1440 of 1997

BETWEEN

Shri P. Sekhar. s/o P. Venkaiiah.

Applicant (s)

Vs.

Union of India represented
by IES Secretary.
Ministry of Urban Affairs
and Employment.
Nirman Bhavan, New Delhi.

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 : 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 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 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 Governement 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 ^{in Sr. Standing Counsel of} 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 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 admission 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.

from prepage.

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This will, however, be subject to the condition that a counsel shall not advise any party in or accept a case against the Government of India in which he has appeared or is likely to be called upon to appear for or against or lead to litigation against the Govt. of India.

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 Bench of the Tribunal or any case arising from other courts out of those cases, eg., appeals and revisions in the Supreme Court.

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."

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DEPUTY REGISTRAR.

2/18/97.

FOR ORDERS OF THE HON'BLE TRIBUNAL

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To this the counsel replied as follows: " I am not a Standing Counsel by Govt. of India. I am only an advocate. Shri N.R.Devraj, Sr.CGSC, like any other counsel. I have appeared for the respondents directly and only represented Mr.N.R.Devraj, who represents Govt. of India. If Mr.Devraj appears for the respondents directly that should be the 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 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 is 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 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

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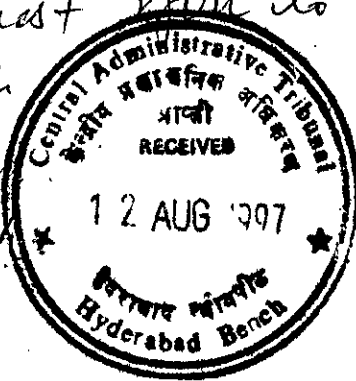
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In the present case I have not received the O.A. copy and the copy of O.A. served on Sr. Standing Counsel and he has allotted this case to another Addl. CHSC. As I ~~am~~ have ^{duly} enrolled as an Advocate with the Bar Council of A.P., I have a right 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 ^{issuing} Govt. cases, the Govt. is engaging such Sr. Private 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 right to file the above case.

Hence I request you to ~~now~~ allot the number and list it for admission before the Hon'ble Bench.



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 an counsel for the respondents (Central Govt). He is also associated with the Sr. Standing Counsel of the Central Govt. ^{on} whom even this matter was relied. In the circumstances the Counsel to clarify how he can file a case against the same Party whom he has been advising, appearing ~~etc~~ on its behalf etc.



[Signature]
DEPUTY REGISTRAR (JUDL)

Submitted

1/8/97

Sir,

I am not appointed as Standing Counsel ~~for~~ by Govt. of India. I am only assisting Sri. N.R. Devarey Sr. case, like any other Counsel. I never appeared for the Respondents direct and only represented Mr. N.R. Devarey who represents the Govt. of India. (If my name appears ^{for} the Respondent concerned)

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 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.

14/8/99

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 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.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.

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