

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).4545/2007

(From the judgement and order dated 14/11/2006 in CWP No. 4058/2002 & CWP No. 5396/2002 & 15.01.2007 in CWP No. 18073/2005 of The HIGH COURT OF DELHI AT N. DELHI)

AFHQ/ISOS SOS (DP) ASSOCITION & ORS.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With appln(s) for modification of Court's order dated 7.3.2007 and office report)  
(for final disposal)  
WITH SLP(C) NO. 5853 of 2007  
(With office report)

Date: 03/10/2007 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE H.K. SEMA  
HON'BLE MR. JUSTICE ALTAMAS KABIR  
HON'BLE MR. JUSTICE LOKESHWAR SINGH PANTA

For Petitioner(s) Mr. Paramjit Singh Patwalia, Sr.Adv.  
Ms. Kiran Suri, Adv.  
Mr. S.J. Amith, Adv.

Mr. Rakesh Khanna, Sr.Adv.  
Mr. V.K. Sidharthan, Adv.

For Respondent(s) Mr. L.N. Rao, Sr.Adv.  
Mr. Sidharth Dave, Adv.  
Mr. M.M. Singh, Adv.  
Mr. Dharmendra Kumar Sinha, Adv.  
Mr. Sharad Pandey, Adv.

:2:

Respondent-In-Person

Mr. T.S. Doabia, Sr.Adv.  
Ms. Aruna Gupta, Adv.  
Mr. D.S. Mahra, Adv.

UPON hearing counsel the Court made the following  
ORDER

This matter was heard at length on 27.09.2007. Dr. Jose P.

Verghese, learned senior counsel addressed us on behalf of Air Force Headquarters, Civilian Officers Association at length. After Dr. Jose P. Verghese, learned senior counsel concluded his arguments it was brought to our notice that the said Dr. Jose P. Verghese was a Vice-Chairman of Central Administrative, Principal Bench, New Delhi. It was also brought to our notice that on an earlier occasion the same Association through Shri Rameshwar Tanwar, President, filed O.A.No.2098/1996 in which Dr. Jose P. Verghese as Vice-President of the Tribunal has passed an

order dated 13.11.1997. Having decided the issues as Vice-Chairman of the Administrative Tribunal in the same cause of action Dr. Jose P. Verghese ought not to have taken up this case again representing the appellant-Association, namely, Air Force Headquarters Civilian Officers Association.

Dr. Jose P. Verghese has filed an affidavit today in the Court tendering unconditional apology. In the said affidavit he has admitted that he passed an order on 13.11.1997 in O.A.No.2098/96 as Vice-Chairman of the Tribunal. In the said affidavit the averment made in paragraphs 3 and 4 are extracted hereunder:

:3:

"3.That the deponent most humbly seeks the indulgence of this Hon'ble Court to accept the unconditional apology, as the above-referred order was passed about 10 years before, and the deponent was not aware of the fact of that order, until this Hon'ble Court pointed out the mistake to him.

4.That the deponent also seeks the indulgence of his Hon'ble Court to accept his unconditional apology, as the above referred order which was annexed as Annexure R-13 to the counter affidavit in SLP(C)No.4545/2007, was never seen by the deponent at any time before. In fact the deponent was appearing in SLP(C)No.5853 of 2007."

The explanation in paragraphs 3 and 4 of the said affidavit does not appeal to us at all. We are of the view that the conduct of Dr. Jose P. Verghese is beyond condonable limits. Let this matter be placed before the Bar Council of India for verification and passing necessary orders in accordance with law and the Bar Council Rules.

In view of paragraph 5 of the affidavit filed today, that is 03.10.2007, Dr. Jose P. Verghese is allowed to withdraw from the case - SLP(C)No.5853 of 2007 and Mr. V.K. Sidharthan, Advocate-on-record, is allowed to engage Mr. Rakesh Khanna, learned senior counsel, in place of Dr. Jose P. Verghese in the case. List this matter tomorrow for further hearing. The affidavit filed today is taken on record.

List this matter tomorrow for further hearing. The Registry shall send a copy of this order to the Chairman, Bar Council of India immediately.

(PAWAN KUMAR)  
COURT MASTER

(ANAND SINGH)  
COURT MASTER