

Court No. - 4

Case :- CONTEMPT APPLICATION (CIVIL) No. - 1160 of 2019

Applicant :- Ram Adhin And Ors.

Opposite Party :- T.Venkatesh Prin.Secy.Irrigation Department Lucknow And Anr.

Counsel for Applicant :- Kartikey Dubey,Ashok Kumar Singh,Mahima Pahwa

Hon'ble Rajesh Singh Chauhan,J.

1. Heard Ms. Geetika Yadav, learned counsel for the petitioners and Sri Tushal Verma, learned Additional Chief Standing Counsel.

2. This Court has passed the order dated 16.10.2023, which reads as under:-

"1. Heard Ms. Geetika Yadav, learned counsel for the petitioner nos. 1 and 3 and Sri Tushar Verma, learned Addl. C.S.C. for the opposite party.

2. It has been informed at the Bar that the remaining petitioners i.e. petitioners no. 2,4,5,6,7,8 and 9 have already withdrawn this contempt petition and some of those petitioners have approached the court by filing writ petition challenging the order of the compliance.

3. Sri Tushar Verma has drawn attention of this Court towards the order dated 22.3.2023 passed by the writ court in Writ-A No. 27107 of 2021 (Noorulain Ansari vs. State of U.P. and others) which was filed by the petitioner no. 7 of the present contempt petition challenging the order of the compliance which was filed in the present contempt petition after withdrawing the present contempt petition. The aforesaid petition was allowed vide judgment and order dated 22.3.2023 which reads as under :

"1. Heard Mr. Dharm Raj Mishra, learned counsel for the petitioner, as well as A.K. Singh Rathaur, learned State Counsel, representing respondents - State Authorities.

2. The present petition under Article 226 of the Constitution of India has been filed for the reliefs, which reflect as under:-

(a) issue a writ, order of direction in the nature of certiorari quashing the order dated 28.09.2019 passed by the Opposite Party no. 4, contained in Annexure no. 9 in so far as it relates regularization of services of the petitioner w.e.f. 23.1.2019 on the post of Chowkidar instead of Electrician-cum-Revinder, with all consequential benefits;

(b) issue a writ, order or direction in the nature of mandamus commanding and directing the Opposite parties to consider and regularize

the services of the petitioner with retrospective effect i.e. in the year 2002 under the Rules of 2001 as has been made in the similarly situated employees like the petitioner on the post of Electrician-cum-Revinder or any other equivalent post in the same pay-scale with all consequential benefits;

(c) issue a writ, order or direction in the nature of mandamus commanding and directing the Opposite parties to pay arrears of salary to the petitioner w.e.f. 1992 to 22.1.2019 alongwith admissible rate of interest and also to pay post retiral benefits including pension and also to pay the salary w.e.f. 23.1.2019 to 28.9.2019 as would be evident from the order dated 28.9.2019 contained in Annexure no. 9;

(d) issue a writ, order or direction which.....

(e) award cost"

3. There is a checkered history of long litigation since 1992. Initially, the petitioner was given employment as daily-wager in irrigation department as electrician-cum-revinder in district Raebareli in April, 1984. The petitioner's engagement, as daily-wager, was orally terminated on 30.05.1992. the petitioner filed Writ Petition No.3634 (S/S) of 1992, impugning his oral termination as daily-wager. This Court on 10.06.1992 passed an interim order, which would read as under:-

"Meanwhile the petitioner may be allowed to work by the opp.parties. It is further clarified that it is in the discretion of the opp.parties to take work or not to take work from the petitioner but even in that case also they are liable to pay salary regularly every month. In the meanwhile, the opp.parties may also dispose of representation, if and when the representation is disposed of, the said facts will be brought to the notice of the Court before next listing of the case."

4. Despite the said interim order, neither the petitioner was allowed to work nor paid salary. The respondents filed an application for vacating the interim order dated 10.06.1992. The said application was, however, rejected vide order dated 02.07.2002. Against the said rejection of the application for vacation of the interim order dated 10.06.1992, the State-respondents preferred special appeal. However, the special appeal also came to be rejected vide order dated 08.05.2008.

5. Against the said rejection of the special appeal, the State-respondents filed special leave petition (civil) no.2687 of 2009 before the Supreme Court. However, the Supreme Court rejected the said special leave petition in limine vide order dated 06.03.2009. The writ petition no.3634 (s/s) of 1992 came to be finally decided vide judgment and order dated 31.03.2009. The learned Single Judge noted that during the currency of the interim order dated 10.06.1992, Regularization Rules 2001 were enacted and came into force. The petitioner would have been working on the cut-of-date, on the strength of the interim order and, therefore, the petitioner and other similarly placed workmen would be entitled to be considered for regularization. The respondents, in compliance of the said direction in the judgment and order dated 31.03.2009 passed in Writ Petition No.3634 (S/S) of 1992 considered the claim of the petitioner for regularization and rejected the same vide order dated 09.04.2009.

6. Against the said rejection of his claim for regularization, the petitioner filed Writ Petition No.1923 (S/S) of 2011 before this Court and the said writ petition was allowed vide order dated 23.01.2019 along with the other petitions. The order dated 09.04.2009, whereby the petitioner's claim for regularization was rejected, was set-aside and, the respondents were directed to consider afresh the claim of the petitioner in light of the observations made by the learned Single Judge.

7. The Special Appeal No.286 of 2019 and other connected two special appeals filed against the said judgment and order dated 23.01.2019 came to be rejected by the Division Bench of this Court vide order dated 18.07.2019 and the Division Bench affirmed the judgment and order dated 23.01.2019 passed by the learned Single Judge. Thereafter, the petitioner's services were regularized vide order dated 28.09.2019.

8. From the aforesaid facts, it is amply clear that the petitioner's right for regularization got crystallized on 31.03.2009 when the Writ Petition No.3634 (S/S) of 1992 was finally allowed and directions were issued for considering the claim of the petitioner for regularization. After 31.03.2009, it is the respondents who took a wrong decision and litigated till 18.07.2019.

9. In view of above, I am of the view that the petitioner's right for regularization got crystallized on 31.03.2009 and, he ought to have been regularized with effect from 01.04.2009. If the petitioner was to be regularized on 01.04.2009, by wrong and illegal action of the respondents, he cannot be made to suffer as the special appeal came to be rejected only on 18.07.2019. It is, therefore, provided that the petitioner should be treated to have been regularized with effect from 01.04.2009. So far as claim of the petitioner for back-wages is concerned, admittedly, the petitioner did not work on a single day after the interim order dated 10.06.1992 was passed by this Court in Writ Petition No.3634 (S/S) of 1992. No order was passed by this Court to compel the respondents to give work to the petitioner. The petitioner also did not come before this Court earlier, claiming his salary. This is the only petition where the petitioner has claimed salary from 10.06.1992 till he got regularized.

10. Thus, I find no substance, so far as back-wages are concerned. However, it is also clear that the petitioner ought to have been regularized with effect from 01.04.2009 and, therefore, on equity he is entitled for some back-wages, may not be full back-wages. Taking a holistic view of the matter and, considering the principle of 'no work no pay', the interest of justice would meet if the respondents are directed to pay back-wages @ 25% with effect from 01.04.2009 till date the order was passed by the respondents, regularizing services of the petitioner. The back-wages @ 25% with effect from 01.04.2009 till the date of regularization shall be calculated and paid to the petitioner within a period of three months from the date certified copy of this order is served. The date of regularization should date back to 01.04.2009 with consequential benefit except for back-wages, which are limited to 25% only.

11. With the aforesaid observation/direction, this petition stands partly allowed."

4. Therefore, Sri Tushar Verma, learned Addl. C.S.C. has submitted that since the order of the compliance has been assailed by the co-petitioners

of the present contempt petition, therefore, the petitioners no. 1 and 3 may also assail the order of the compliance, if they are aggrieved, but the contempt court may not enlarge the scope of the order being passed by the writ court.

5. Sri Verma has drawn attention of this Court towards the latest affidavit of compliance dated 23.5.2023 showing the Annexure no. 1 which is an order dated 15.5.2023 passed in favour of the present petitioners giving them the benefit of the order of the writ court counting their entire service w.e.f. 1992 to 2019 while considering their case of regularization. Sri Verma has stated that in the aforesaid order the operative portion of the writ court order has been indicated and in terms of the direction of the writ court the benefit of the regularization to the petitioners has been given as per the U.P. Regularization of Daily Wages Appointments of Group V Post Rules, 2001. He has further submitted that if the present petitioners are also aggrieved from the order of the compliance dated 15.5.2023 passed by the Executive Engineer, Tube-Well Division, Irrigation Department, Raebareli, they may challenge the aforesaid order before the writ court but so far as the present contempt petition is concerned the same may be dismissed for the reason that the order of the writ court has been complied with.

6. Refuting the aforesaid contention of Sri Verma, Ms. Geetika Yadav, learned counsel for the petitioners has requested that for appreciating the operative portion of the order of the writ court the entire order of the writ court may be considered, therefore, for the convenience the order dated 23.1.2019 passed by the writ court is being reproduced here under :

"Heard Mr. Kartikey Dubey, learned counsel holding brief of Mr. Niraj Kumar Srivastava as well as Mr. Raza Ali Khan, learned counsel for petitioners and learned standing counsel for the State & perused the records.

These are three writ petitions which involve same question of law and have been filed challenging the same order dated 9.4.2009, as such, they have been connected and heard together and now are being decided by the common judgment.

These writ petitions have been filed challenging the order dated 9.4.2009 (Annexure-1 to the writ petition) whereby the claim of petitioners for regularization has been rejected holding that they were not in continuous service at the time of coming into force of U.P. Regularization of Daily Wages Appointment on Group 'D' Posts Rules, 2001 (hereinafter referred to as 'Regularization Rules, 2001').

For convenience, the facts of Writ Petition No. 6413 (SS) of 2010 are taken into consideration.

Learned counsel for petitioners submits that the petitioners were appointed on muster roll in the repair workshop tube-well division of Raebareli by the opposite parties during the period 1984 to 1989. Vide order dated 30.5.1992, the services of petitioners were orally terminated. The petitioners had filed Writ Petition No. 3634 (SS) of 1992 challenging their termination order. The Court vide interim order dated 10.6.1992 was pleased to pass interim order. The operative portion of the same is reproduced below:

"Meanwhile the petitioner may be allowed to work by the opp.parties. It is further clarified that it is in the discretion of the opp.parties to take work or not to take work from the petitioner but even in that case, also they are liable to pay salary regularly every month. In the meanwhile, the opp.parties may also dispose of representation, if and when the representation is disposed of, the said facts will be brought to the notice of the Court before next listing of the case."

The opposite parties had filed an application for vacation of the interim order, however, the said application was rejected vide order dated 2.7.2002. The relevant portion of the order dated 2.7.2002 is reproduced below:

"The application for vacation of interim order is hereby rejected and the interim order dated 10.06.1992 is made absolute. The opposite parties are directed to allow the petitioners to work and pay salary."

The opposite parties thereafter had filed special appeal, however, the same was disposed of vide order dated 8.5.2008. The order dated 8.5.2008, for convenience, is reproduced below:

"Heard the learned counsel for the State Smt. Sangeeta Chandra and Sri Raza Ali Khan for the private respondents.

This special appeal has been filed against the order dated 2.7.2002, that too with a delay of 148 days. There is no interim order, which has been passed after rejecting the application for interim relief. The writ petition is of the year 1992, which is still pending.

We do not find any reason to interfere in the aforesaid order after almost six years and, therefore, dispose of the special appeal finally with the direction that the writ petition be decided expeditiously.

Registry is directed to list the writ petition before the learned Single Judge having jurisdiction in the month of July, 2008 and the same shall remain on the board till it is disposed of finally.

The special appeal is disposed of accordingly."

Feeling aggrieved against the aforesaid order, the opposite parties preferred special leave petition before the Apex Court. The special leave petition was ultimately dismissed vide order dated 6.3.2009.

It is submitted by learned counsel for petitioners that Writ Petition No. 3634 (SS) of 1992 was finally decided vide judgment and order dated 31.3.2009. The writ petition was, in fact, disposed of with direction to the opposite parties to consider the claim of petitioners a fresh in the light of the observations made therein, ignoring the impugned order dated 10.6.2004. The word ignoring the order dated 10.6.2004 (Annexure-1 to the writ petition) was subsequently deleted on an application moved by the petitioners vide order dated 23.4.2009.

Learned counsel for petitioners submits that the judgment and order dated 31.3.2009 was not challenged before any higher forum and it became final. It was in purported compliance of the said order that the opposite parties have passed the impugned order rejecting the claim of petitioners

for regularization.

It is contended that in view of the interim order dated 10.6.1992 which was subsequently confirmed vide order dated 2.7.2002, the petitioners continued in employment of the opposite parties and they are to be treated in continuous service with the opposite parties. The Regularization Rules, 2001 were notified on 31.12.2001 and on the date of coming into force of the Regularization Rules, 2001 the petitioners were in continuous employment with the opposite parties, therefore, they were entitled to be regularized in view of the observations made by this Court vide judgment and order dated 31.3.2009. The opposite parties in most arbitrary and illegal manner have rejected the claim of petitioners for regularization. In support of their submissions, learned counsels for petitioners rely on the Division Bench judgment of this Court in the case of State of U.P. and others vs. Ram Chandra Dwivedi (METH) and another; [2017 (4) ADJ (DB) (LB)].

Learned standing counsel, on the other hand, submits that the petitioners were not working when the Regularization Rules, 2001 came and, as such, their claim for regularization has rightly been rejected by the impugned order. It is submitted that the Court vide interim order dated 10.6.1992 has provided that it is in the discretion of the opposite parties to take work or not to take work from the petitioners but even in that case, also they are liable to pay salary regularly every month. The petitioners were not allowed to work, however, they were paid salary upto 30.7.1992, when the application for vacation of interim order was filed. It is also submitted that the requirement of Regularization Rules, 2001 is very clear. It provides that the incumbent should have been engaged on daily wages prior to cut off date i.e., 29.6.1991 and shall continue to work on the commencement of the said Rules. Since the petitioners were not working on the commencement of the Regularization Rules, 2001, as such, they could not be regularized.

It is also submitted by learned standing counsel that the petitioners are at present not working, hence cannot be regularized.

I have considered the submissions made by the parties' counsel and gone through the record.

The question involved in these writ petitions is whether the petitioners were entitled to get the benefit of continuous service on the basis of interim order granted by the Court in Writ Petition No. 3634 (SS) of 1992 and whether any work was taken from them or not by the opposite parties would mean that they were not in continuous employment on the commencement of the Regularization Rules, 2001. Suffice is to note that the Court vide interim order dated 10.6.1992 has provided that the petitioners may be allowed to work by the opposite parties. It was clarified that it is in the discretion of the opposite parties to take work from the petitioners or not to take work from the petitioners but even in that case also they are liable to pay salary regularly every month, meaning thereby that the opposite parties were required to allow the petitioners to work and pay salary to them regularly every month and it was the discretion of the opposite parties whether to take work or to not take work from them. This interim order was subsequently confirmed vide order dated 2.7.2002 when the application for vacation of interim order preferred by the opposite parties was rejected and the interim order dated

10.6.1992 was made absolute. The Court vide order dated 2.7.2002 had not left any discretion to the opposite parties whether to take work or to not take work from the petitioners and had directed them to allow the petitioners to work and pay salary.

It is to be noted that in the special appeal preferred by the opposite parties against the order dated 2.7.2002 the Court had not granted any indulgence and the order dated 2.7.2002 remained operative. The special leave petition preferred thereafter before the Apex Court was ultimately dismissed vide order dated 6.3.2009, as such, it is very much clear that the opposite parties were under bounden duty to comply the interim orders granted in favour of the petitioners and allow the petitioners to work and pay salary. The Court while finally deciding Writ Petition No. 3634 (SS) of 1992 taking all these facts into consideration and coming to conclusion that the petitioners were working on the date when the Regularization Rules, 2001 had come into force was pleased to direct the opposite parties to consider the claim of petitioners for regularization in the light of the observations made therein. The opposite parties in compliance of the said judgment have passed the impugned order rejecting the claim of petitioners on the ground that since the petitioners were not in continuous employment on the date of commencement of the Regularization Rules, 2001 which had come into force on 31.12.2001, as such, they cannot be regularized.

I am of the considered view that since there was an interim order in favour of the petitioners which was also confirmed and the special appeal as well as special leave petition preferred by the opposite parties in this regard were dismissed without any interference with the interim order, as such, the petitioners were to be treated in continuous employment with the opposite parties and the opposite parties were under bounden duty to comply the interim order and treat the petitioners in continuous service and pay salary to them.

So far as the contention of learned standing counsel that the petitioners were not in continuous employment on the date of commencement of the Regularization Rules, 2001 as the interim order directing to take work and pay salary to them was passed only on 2.7.2002 and prior to that there was no order in favour of petitioners to continue with the work is concerned, it is to be observed that the Court vide interim order dated 10.6.1992 has provided that the petitioners may be allowed to work by the opposite parties, however, a discretion was left to the opposite parties whether to take work or to not take work, but they were required to pay salary to the petitioners regularly every month. It does not mean that the petitioners could not have been allowed to work or they cannot be treated in continuous service. It was for the opposite parties whether to take work or to not take work from the petitioners, however, the petitioners were to be treated in continuous employment of the opposite parties and paid salary. As such, the opposite parties were required to treat the petitioners in continuous employment since their initial engagement and consider them for regularization under the Regularization Rules, 2001. Hence, the stand taken by the opposite parties was totally wrong and not sustainable in the eyes of law.

In the case of State of U.P. and others vs. Ram Chandra Dwivedi (METH) and another (supra) the Court was ceased with the similar controversy and has held that the petitioners had been been granted an interim order

and not only this, they had succeeded in the writ petition that was allowed on 31.8.1999. Thus, in law, they were all entitled to continue to function and any attempt on the part of the appellants to dispute their continuance, was therefore against law. Relevant paragraphs 5 and 6 are reproduced below:

"5. We have considered the submissions raised and what we find is that the fact that there was an interim order dated 13.01.1993 is not denied. The fact that the respondent-petitioners had been engaged prior to September, 1992, therefore, establishes that their engagement in terms of the regularization Rules had already been made and remains undisputed. The only question remains about their continuance as on the date of the promulgation of the Regularization Rules. In this regard, suffice it to say that the respondent-petitioners had been granted an interim order and not only this, they had succeeded in the writ petition that was allowed on 31.08.1999. Thus, in law, they were all entitled to continue and function and any attempt on the part of the appellants to dispute their continuance, was therefore against law.

6. A forceful deliberate attempt to thwart functioning in defiance of the interim order dated 13.01.1993 and the final judgment dated 31.08.1999 would not be of any legal advantage to the appellants. Such action rather impels us to draw an adverse inference against the appellants that they deliberately tried to defeat the rights of the respondent-petitioners to continue working. Even otherwise, no lawful excuse existed after 31.08.1999 for the appellant to prevent the respondent-petitioners from functioning. The petitioners therefore prior to the enforcement of the 2001 Rules had rights accrued in their favour under the judgment dated 31.08.1999 that had attained finality."

Since I have come to conclusion that the claim of petitioners for regularization was wrongly rejected by the opposite parties and they are entitled to get the benefit of continuous employment from their initial engagement for the purpose of consideration of regularization of their service under the Regularization Rules, 2001, as such, the continuance of the petitioners in service would depend on the order passed by the competent authority after reconsideration of the claim of petitioners for regularization.

In view of above, the writ petitions are allowed. The order dated 9.4.2009 is hereby quashed. The opposite parties are directed to re-consider the claim of petitioners for regularization giving them the benefit of continuous service from their date of initial appointment. Necessary exercise shall be completed within three months from the date of production of certified copy of this order before opposite party no. 4, Executive Engineer, Tube-well Division, Irrigation Department, Lucknow."

7. She has stated that the writ court in para 3 of the order has discussed about the impugned order dated 9.4.2009 whereby the claim of the petitioners for regularization has been rejected holding that they were not in continuous service at the time of coming into force the U.P. Regularization of Daily Wages Appointments of Group V Post Rules, 2001. She further submitted that while allowing the writ petition of the petitioners vide order dated 23.1.2019 the writ court has categorically observed that the petitioners were having interim order in their favour

since 1992, therefore, they are entitled to continue and function and even if they are not permitted to discharge their duties they shall be paid their salary. She has further submitted that when the writ court has quashed the impugned order dated 9.4.2009 then it may be legally presumed that as if the order dated 9.4.2009 was not in existence. If the order dated 9.4.2009 was not in existence then the benefit which was disallowed to the petitioners by means of impugned order dated 9.4.2009 may be treated as if the petitioners are entitled for that benefit. The benefit for which the petitioners are claiming is a benefit that their services should be regularized w.e.f. 1.4.2009.

8. Notably, when one of the co-petitioners of the contempt petition namely, petitioner no. 7 who has, however, withdrawn his contempt petition being not pressed challenged the order of compliance, the writ court in Writ-A No. 27107 of 2021 allowed that writ petition and directed that the petitioner is entitled for regularization w.e.f. 1.4.2009.

9. However, Sri Verma has stated that for claiming that benefit the petitioners should file fresh petitions before the writ court but I am not in agreement with the submission of Sri Verma inasmuch as the benefit for which the petitioners were entitled were denied vide impugned order dated 9.4.2009 and that order has been quashed by the writ court, therefore, it would be the consequence of the order of the writ court dated 23.1.2009 to the effect that the petitioner should be given the benefit of regularization w.e.f. 1.4.2009 instead of the date of the order of the writ court dated 23.1.2019 which has been indicated in the order dated 15.5.2023 (Annexure no. 1) of the affidavit of compliance dated 23.5.2023 filed by one Sri Abul Kalam Azad, Executive Engineer, Tube-Well Division, Irrigation Department, Raebareli.

10. To me, that is not compliance of the order of the writ court in its letter and spirit inasmuch as the order of the writ court in its letter and spirit would be to provide the benefit strictly in terms of the order of the writ court as considered above.

11. Ms. Geetika Yadav, learned counsel for the petitioners has drawn attention of this Court towards the objection to the affidavit of compliance on 10.9.2023 referring para 13 of the aforesaid objection wherein she has taken a specific ground which has been considered above. However, in para 13 she has stated that the petitioners are entitled to be regularized from 21.12.2001 by giving them benefit of continuous employment from the date of their initial appointment but since the earlier Bunch of writ petitions including the writ petition of the petitioner has been decided on 31.3.2009 and direction has been issued to provide the benefit of regularization to the employees as the reference of the Writ- Service Single No. 3634 of 1992 has been given in the order of the writ court dated 23.1.2019, therefore, in compliance of the order of the writ court dated 23.1.2019 the present petitioners should have been given the benefit of regularization w.e.f. 1.4.2009.

12. As per my view for claiming that benefit the present petitioners may not file any writ petition, however, the present petitioners are claiming that they should have been regularized w.e.f. 21.12.2001 as has been pleaded in para 13 of the objection to the affidavit of compliance for that the petitioners may file a fresh writ petition but so far as the benefit of regularization w.e.f. 1.4.2009 is concerned i.e. part and parcel of the

direction issued by the writ court in the present matter.

13. Therefore, in view of the above, I do not find that the order dated 15.5.2023 (supra) is a true compliance of the order of the writ court rather the same is a sham compliance. Hence, treating the same order i.e. 15.5.2023 to be a compliance of the order of the writ court this contempt petition may not be disposed of rather, I am of the view that considering the aforesaid observation the authority concerned should file a fresh affidavit of compliance making compliance of the order of the writ court in its letter and spirit.

14. Accordingly, list this case on 21.11.2023.

15. On or before 21.11.2023 Sri Abul Kalam Azad, Executive Engineer, Tube-Well Division, Irrigation Department, Raebareli may file a fresh affidavit of compliance making compliance of the order of the writ court in its letter and spirit in terms of the order, so given, failing which he shall appear in person on the next date."

3. Sri Tushar Verma, learned Additional Chief Standing Counsel has filed short counter affidavit, which is taken on record.

4. Sri Verma has drawn attention of this Court towards para-5 of the short counter affidavit wherein he has stated that in terms of order of this Court, the Executive Engineer, Tubewell Division, Raebareli has passed office memo dated 08.11.2023. The copy of the aforesaid office memo dated 08.11.2023 has been provided to the Court by Sri Verma as the same has not been enclosed with the short counter affidavit. The same is also taken on record.

5. Sri Tushar Verma, learned Additional Chief Standing Counsel has further submitted that since the order of the Writ Court has been complied with in its letter and spirit, therefore, this contempt petition may be dismissed.

6. Learned counsel for the petitioners has not disputed the aforesaid fact.

7. In the wake of the aforesaid development, nothing remains to be adjudicated in the instant contempt petition.

8. Accordingly, the instant contempt petition is ***dismissed***.

9. Notices, if any, stand discharged.

[Rajesh Singh Chauhan,J.]

Order Date :- 21.11.2023
Suresh/