

SAKTI THROUGH ITS DIRECTOR, RAMPACHODAVARAM,
EAST GÓDAVARI DISTT., ANDHRA PRADESH

v.

R.K. RAGALA AND ORS.

NOVEMBER 6, 1995

[K. RAMASWAMY AND B.N. KIRPAL, JJ.]

Service Law :

Departmental proceedings—Show cause notice to delinquent—High Court quashing show cause notice—Meanwhile employee superannuated—Held, though High Court not justified in interfering at notice stage, since employee has superannuated no useful purpose would be served to continue the proceedings.

The appellant filed the appeal by special leave against the judgment of the High Court quashing the show cause notice issued to respondent No.1.

Disposing of the appeal, this Court

HELD : Though the High Court was not justified in interfering at the notice stage, since the respondent has retired from service, no useful purpose would be served to continue the proceedings pursuant to the show cause notice which was quashed by the High Court. However, if the children of the respondent lay any claim on the basis that they are Scheduled Tribes, the appropriate authorities would decide their claim in accordance with law. [796-C-D]

Kumari Madhuri Patil v. Additional Commissioner, [1994] 6 SCC 241 and Director of Tribal Welfare Government of A.P. v. Laveti Giri & Anr., JT (1995) 3 SC 684, relied on.

CIVIL APPELLATE JURISDICTION : Civil Appeal No. 10754 of 1995.

From the Judgment and Order dated 31.1.94 of the Andhra Pradesh High Court in W.A. No. 917 of 1992.

A Dr. M.P. Raju and M.K.D. Namboodiri, for the Appellant.

The following Order of the Court was delivered :

Permission to file S.L.P. is granted.

B Leave granted.

C Since the first respondent now stands retired from service, no useful purpose will be served to continue the proceedings pursuant to the show cause notice which was quashed by the High Court. No doubt the High Court was not justified in exercising its power to nip the action in the bud at the notice stage itself. As regards the law, recently this Court has considered the controversy and laid the law in *Kumari Madhuri Patil v. Additional Commissioner*, [1994] 6 SCC 241 and *Director of Tribal Welfare, Government of A.P. v. Laveti Giri & Anr.*, JT (1995) 3 SC 684. The ratio of the High Court decision is no longer good law.

D Under these circumstances, we think that no useful purpose will be served to continue the proceedings. However, if the children of the first respondent lay any claim on the basis that they are Scheduled Tribes, it would be open to the appropriate authorities to take appropriate decision or action as is warranted under law.

E The appeal is disposed of with the above observations.

R.P.

Appeal disposed of.