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C.A.No. 5638 OF 2000

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ITEM NO.104 COURT NO.7 SECTION XIIA

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

CIVIL APPEAL NO.5638/2000

Regional Manager, APSRTC & Ors. .. Appellants

Vs.

A. Sommakka & Anr. .. Respondents
(With office report)
With C.A. No. 5640/2000, C.A.No. 5639/2000(With office report)

DATE : 5.9.2001 : This/These matter (s) was/were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. RAJENDRA BABU
HON'BLE MR. JUSTICE DORAISWAMY RAJU

For Appellant (s) : Mr. L. Nageshwar Rao, Sr. Adv.
Mr. K.C. Sudershan, Adv.
Mr. Guntur Prabhakar, Adv.

For Respondent (s) : Mr. S Sadasiva Reddy, Adv.
Ms. S Usha Reddy, Adv.

Mr. P.S. Narasimha, Adv.
Mr. Sridhar P., Adv. for
Mr. V.G. Pragasam, Adv. and
M/s PSN & Co.

UPON hearing counsel the Court made the following
O R D E R

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The appeals are allowed in terms of the signed order.

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Charanjit [Om Prakash]
Court Master

[Signed order is placed on the file]

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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 5638/2000@@
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Regional Manager, APSRTC .. Appellants
and Ors.

Vs.

A Sommakka & Anr. .. Respondents

With C.A. No. 5640/2000 & C.A. No. 5639/2000

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In these three cases, the question raised is identical to the one considered by this Court in APSRTC & Ors. Vs. Kaiser Begum - 1998 (9) SCC 398 wherein the very Scheme that was adverted to and considered by the High Court and the ban contained therein, the monetary benefits that are being given in lieu of the ban, have been considered.

In that view of the matter, we do not think any fresh exercise should have been made by the High Court in ascertaining the rights of the parties and to grant relief to them. It is rather surprising that the High Court instead of applying the decision rendered by this Court to the facts arising in the case has gone out of the way on a basis totally uncalled for. Similar view has been taken in APSRTC, Imliban, Hyderabad & Ors. Vs.@@
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Abidha Khanam- 2000(4) ALD 435. We do not want to go@@
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into this aspect of the matter any further.

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In that view of the matter, these appeals are allowed, the orders made by the learned Single Judge as affirmed by the Division Bench of the High Court are set aside and the writ petitions filed by the respondents shall stand dismissed.

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[S. RAJENDRA BABU]@@
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[DORAISWAMY RAJU]@@
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New Delhi,@@
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September 5, 2001@@
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