

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(s). 2509 OF 2002

ADITYA PRATAP BHANJ DEV

Appellant (s)

VERSUS

A.P. SCHEDULED TRIBE EMPS. ASSON.
& ORS.

Respondent(s)

WITH
CIVIL APPEAL NO(s). 1696 of 2006

RAJENDRA PRATAP BHANJ DEV

Appellant (s)

VERSUS

PEEDIKA RAJANNA DORA

Respondent(s)

O R D E R

C.A. No.2509/2002

We notice that on the basis of the interim order passed by this Court on 5.4.2002 the appellant continued in service and has retired. We are informed that he has got all the retiral benefits.

Under such circumstances, we do not find any reason to finally declare the status of the appellant, especially when there is already a civil court decree, which will bind only the parties to that suit.

The appeal is disposed of, as above, setting aside the judgment of the High Court.

C.A. No.1696/2006

The appellant herein was elected to the Andhra Pradesh Legislative Assembly. We are of the view that this appeal has become infructuous since the period for which the appellant was elected is over. There is a dispute relating to the caste status of the appellant, which has to be decided according to the provisions of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act, 1993. The mechanism has been provided under the abovementioned Act in case of any dispute regarding caste status.

Under such circumstances, we feel it appropriate that the question as to whether the appellant belongs to Konda Dhora caste has to be decided by the appropriate authority, constituted under the Act abovementioned. The Authority concerned will decide the same, uninfluenced by the judgment in E.P. No.7/04 as well as the Civil Court decree (O.S. No.8/85) in the name of his brother-Aditya Pratap Bhanj Dev.

The appeal is disposed of as above.

The appeals are disposed on in terms of the signed order.

| (NARENDRA PRASAD)
| COURT MASTER

| | (RENUKA SADANA)
| | COURT MASTER

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1 (Signed order is placed on the file)