

(2003) 08 AP CK 0030

Andhra Pradesh High Court

Case No: Writ Appeal No. 491 of 2000

A.P.S.R.T.C. and Another

APPELLANT

Vs

P. Balatripura Sundari

RESPONDENT

Date of Decision: Aug. 29, 2003

Citation: (2003) 6 ALT 237

Hon'ble Judges: P.S. Narayana, J; B. Sudershan Reddy, J

Bench: Division Bench

Advocate: Nanda Ramchander Rao, for the Appellant; S.M. Subhan, for the Respondent

Final Decision: Dismissed

Judgement

B. Sudershan Reddy, J.

This writ appeal has been preferred against the order dated 16-11-1999 made in Rev. W.P.M.P. No. 29443 of 1999 in W.P.No. 11724 of 1999 by a learned single Judge of this Court dismissing the review petition filed by the appellants herein. The learned Judge refused to review the order dated 30-9-1999 made in W.P.No. 11724 of 1999.

2. The learned Judge while disposing of the said writ petition directed the appellant-Corporation to consider the case of the respondent-writ petitioner either as a Clerk or at least as Sweeper or Attender or in any other suitable post duly taking into consideration her education qualifications. The issue relates to appointment on compassionate grounds.

3. The learned Judge while disposing of the said writ petition however, deleted that portion of the order wherein directions have been issued to the appellant-Corporation to appoint the writ petitioner as Sweeper or Attender and accordingly confined the directions only to consider the case of the writ petitioner for the post-Stenographer of Clerk or Typist, since she is fully qualified to hold any of those posts.

4. A Full Bench of this Court in H. Kondal Reddy Vs. Central Bank of India, Hyderabad and Another, declared that no appeal under Clause 15 of the Letters Patent lies in case of dismissal of review petition since such dismissal merges into the main order.

5. The learned Standing Counsel for the appellant-Corporation, however, contended that the case on hand is not a simple dismissal of review petition since the learned Judge while dismissing the review petition issued some further directions compelling the appellant-Corporation to consider the case of the respondent-writ petitioner for being appointed either as Stenographer, Clerk or Typist within three weeks from the date of receipt of a copy of the said order. The learned Standing Counsel contended that in such view of the matter this appeal is maintainable as against the order passed by the learned single Judge disposing of the review petition.

6. We do not wish to go into this question and express our opinion as to whether this appeal as such is maintainable in law.

7. It is brought to our notice very fairly by the learned Standing Counsel for the appellant-Corporation that pursuant to the directions of this Court, the respondent-writ petitioner has been appointed as a Typist vide orders of the appellant-Corporation dated 26-5-2000 i.e., nearly 31/2 years back and she is working in that capacity in the appellant-Corporation.

8. On the facts and in the circumstances of the case, we are not inclined to interfere with the order passed by the learned Single Judge and disturb the respondent-writ petitioner at this stage of her career.

9. The learned Standing Counsel, however, submitted that the directions issued by the learned single Judge may have to be confined only to the case of the respondent-writ petitioner and the same cannot be treated as a precedent. We are inclined to agree with the submission made by the learned Standing Counsel for the appellant-Corporation and accordingly declare that the said directions have been issued by the learned Single Judge in the peculiar facts and circumstances of the case and the said judgment shall not operate as a precedent for whatever purposes.

10. With the clarification as above, the writ appeal shall stand dismissed. No order as to costs.