

PETITIONER:

SAKTI THROUGH ITS DIRECTOR, RAMPACHODAVAIAM, E.G. DISTT., A.P

Vs.

RESPONDENT:

R.K. RAGALA & ORS.

DATE OF JUDGMENT 21/11/1995

BENCH:

K. RAMASWAMY, K.S. PARIPOORNAN

ACT:

HEADNOTE:

JUDGMENT:

O R D E R

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

Leave granted.

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 vs. Additional Commissioner [(1994) 6 SCC 241] and Director of Tribal Welfare, Government of A.P. vs. Laveti Giri & Anr. [JT 1995 (3) SC 684]. The ratio of the High Court decision is no longer good law.

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.

The appeal is disposed of with the above observations.