

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO
WRIT PETITION No.3216 OF 2014

ORDER:

The present petitioners are the wife and son of one Late Sri Ch.Chiranjeevi Rao, who was employed with the A.P.S.R.T.C. as conductor. Unfortunately, the said Sri Ch.Chiranjeevi Rao died on 02.06.1994. Sri Ch.Chiranjeevi Rao married the 1st petitioner herein after the death of his 1st wife. The 2nd petitioner herein was his son through the 1st petitioner. Similarly Sri Ch.Chiranjeevi Rao had three children born to his 1st wife. One of them is Sri Ch.Venkateswara Rao. Because of the disputes amongst the children of the 1st wife on the one hand and the petitioners herein on the other, W.P.No.33405 of 1998 came to be instituted and was disposed of by a learned single Judge, against the said judgment W.A.No.1201 of 1999 was filed by the 1st petitioner herein. A Division Bench of this Court by its judgment dated 12.07.2005 disposed of the said appeal in the following terms:

“Upon hearing both parties and considering the affidavit filed by the appellant, we direct respondents 1 and 2 to deduct one third of the amount from the gross salary of the third respondent and pay the same to the appellant by way of crediting the same to the savings bank account of the appellant. The appellant is also directed to furnish bank account number to respondents 1 and 2.

Respondents 1 and 2 are directed to appoint the third respondent as Conductor within a period of three weeks from today. With the above observations, this Writ Appeal is disposed of. No costs.”

The aforementioned Sri Ch.Venkateswara Rao the son of late Sri Ch.Chiranjeevi Rao through his 1st wife, is the 3rd respondent to this writ appeal.

However, the APSRTC was not satisfied with the said

judgment and they filed a review petition seeking review of the order of the Division Bench, which was dismissed.

In the meantime, a ban on compassionate appointments came to be imposed; consequently Sri Ch.Venkateswara Rao could not be appointed either as a Conductor or for that matter against any post. Consequently, the judgment rendered by the Division Bench on 12.07.2005 in W.A.No.1201 of 1999 remains unimplemented so far. Now the Corporation, since the ban on compassionate appointments is relaxed, appears to have made up its mind to appoint Sri Ch.Venkateswara Rao as conductor and is now willing to offer him employment as such.

Unfortunately, certain other developments have overtaken in the meantime. One of the physically challenged child of Sri Ch.Chiranjeevi Rao, born through his 1st wife and an un-married daughter through his 1st wife met with untimely death and Sri Ch.Venkateswara Rao got married and is now fending for himself. He is not anxious to carry the burden of the well being of the petitioners, which is a condition that gets intertwined with the appointment on compassionate grounds. It is the case of the petitioners herein that Sri Ch.Venkateswara Rao has now given, in writing to the Corporation that he is no longer interested in seeking employment with the Corporation and instead the case of the petitioners herein may be considered.

Learned standing counsel for the Corporation would submit that any order that may be passed by this Court should not run counter to the directions issued by the Division Bench in W.A.No.1201 of 1999 and further in the absence of Sri Ch.Venkateswara Rao as a party to this writ petition, no order

which is likely to effect his rights should be passed.

I am conscious that a coordinate bench or a bench of lesser strength should not pass any order which is likely to delay the process of implementation of an order passed by the Division Bench. Judicial discipline requires that every effort should be made for giving effect to the orders passed by the Division Bench and effort should be made to advance the cause of justice which is already adjudicated. But however, in view of the changed circumstances and if the assertion of Sri T.S.Venkata Ramana, learned counsel for the petitioners is right that Sri Ch.Venkateswara Rao has given in writing to the Corporation that he is no longer interested in taking up employment with the A.P.S.R.T.C., then the respondents may consider the case of the 1st petitioner and in case she is not qualified for consideration for employment with the Corporation, the case of the 2nd petitioner herein for any such employment and pass appropriate orders within a maximum period of 2 months from the date of receipt of a copy of this Order.

It shall be open to the Corporation to put Sri Ch.Venkateswara Rao on notice prior to considering the case of the petitioners herein as part of compliance of this order.

With this, the writ petition stands disposed of. No order as to costs.

All the miscellaneous petitions pending in this writ petition shall stand closed.

JUSTICE NOOTY RAMAMOHANA RAO

24.03.2015

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