

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

**CONTEMPT CASE Nos.1327, 1355, 1942, 1950, 1964,
2122 & 2123 OF 2016**

Dated:07.07.2017

C.C.No.1327 of 2016

Between:

P.T. Reddy, E 319648, Record
Tracer, TSRTC, Husnabad Depot,
Aged 50 years, Husnabad,
Karimnagar District

.. Petitioner

And

Sri Ramana Rao, Managing Director,
Telangana State Road Transport
Corporation, Musheerabad,
Hyderabad and others

.. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

**CONTEMPT CASE Nos.1327, 1355, 1942, 1950, 1964,
2122 & 2123 OF 2016**

COMMON ORDER:

In all these contempt cases, petitioners are seeking enforcement of the directions issued by this Court in the judgment dated 29.01.2016 in W.P.No.36337 of 2012 and batch. The judgment rendered by this Court in the above batch of writ petitions was assailed by the respondent corporations in writ appeals before the Division Bench of this Court in W.A.No.1120 of 2015 and batch dated 08.09.2016 and Division Bench affirmed the decision of the learned single Judge. Aggrieved thereby, the respondent corporations preferred Civil Appeal No.3428 of 2017 and batch before the Supreme Court. Supreme Court vide judgment dated 23.02.2017 allowed the appeals upholding the decision of the Delhi High Court in **Hawa Singh v. Delhi Transport Corporation¹** and **Airport Authority of India v. Kumar Bharat Prasad Narain Singh²** on the question of disability and application of provisions of Section 47 of the Persons With Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (for short, 'the Act').

2. Learned counsel for the petitioners sought to contend that petitioners are provided employment as a consequence of disability suffered by them and therefore they are entitled to payment of pay and allowances for the period out of employment and pay protection. It is contended that once their disability is covered by definition in Section 2 (i) of the Act, the decision of the Hon'ble

¹ W.P.(C) No.7880 of 2011, Delhi High Court, dt.03.02.2012

² LPA No.1601 of 2005, Delhi High Court, dt.14.12.2005

Supreme Court does not affect the decision rendered by this Court. It is further contended that Supreme Court has also left it open to the respondent corporations to take decision on individual grievances of the employees and liberty is also granted to the employees to avail remedies. Thus, respondents are bound to comply with the directions issued by this Court on the claims made by the petitioners.

3. It is seen from the order of the Supreme Court that the Supreme Court took note of the directions issued by this Court, considered the entire issue and approved the view taken by the Delhi High Court in **Hawa Singh and Kumar Bharat Prasad Narain Singh** (cited supra) with reference to disability and application of provisions of the Act, 1995 and having approved the said decision, allowed the appeals. Thus, once the appeals are allowed, which appeals arise out of the judgment rendered by this Court on 29.01.2016 in W.P.No.36337 of 2012 and batch, it is no more open to the petitioners to contend that even though appeals are allowed, still respondents are bound to comply with the directions issued by this Court.

4. The judgment of the Division Bench of this Court in W.A.Nos.806 of 2017 and batch, dated 22.06.2017 is placed before this Court, wherein the very same issue was considered by the Division Bench. The Division Bench observed as under:

“... As held by the Supreme Court, on leave being granted by the Supreme Court and on a Civil Appeal being disposed of on merits, the order of the High Court merges with the order of the Supreme Court. Consequently, the order of the Supreme Court in the Civil Appeal would constitute a declaration of law and a precedent binding on the High Court.

Unlike a Civil Appeal, where the doctrine of merger applies, dismissal of a Special Leave Petition, that too without reasons, does not attract the doctrine of merger; and consequently the judgment of the High Court remains in force. Unlike the order in S.L.P.(CC).No.1438 of 2014 dated 07.02.2014, whereby the SLP was dismissed without reasons, consequent upon which the order of the Division Bench in W.A.No.739 of 2013 dated 25.06.2017 continues to remain in force, the order of the Supreme Court, in Civil Appeal No.3529 of 2017 dated 23.02.2017, has resulted in the orders passed earlier by the Division Bench of this Court getting merged with the order of the Supreme Court; and the law declared, in Civil Appeal No.3529 of 2017 dated 23.02.2017, by the Supreme Court is binding on us.”

5. Since Civil Appeals are allowed, petitioners cannot seek enforcement of the directions issued by this Court. Therefore, it cannot be said that respondents have violated the orders of this Court necessitating initiation of proceedings under Contempt of Courts Act, 1971.

6. The Contempt Cases are accordingly dismissed.

P. NAVEEN RAO, J

Date:07.07.2017

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