

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE M.GANGA RAO

WRIT APPEAL NO.1337 of 2018

JUDGMENT: (per SK,J)

The Regional Manager of the present Telangana State Road Transport Corporation, Warangal Region, is in appeal against the order dated 15.06.2018 passed by a learned Judge of this Court in W.P.No.5452 of 2001. By the said order, the learned Judge disposed of the writ petition following the decision in A.RAJESWAR V/ s. MANAGING DIRECTOR, APSRTC¹ which, in turn, followed the law laid down by a Division Bench of this Court in APSRTC V/ s. P.T.RAO² directing the case of the writ petitioners to be considered for regularisation of their services from the dates of their initial appointment without back wages and monetary benefits. The dates of their initial appointment were however directed to be taken into consideration for the purpose of fixation of pay and pensionary benefits.

This appeal was filed with a delay of 80 days in its presentation but despite notice being served, none of the 26 respondents-writ petitioners chose to enter appearance before this Court. The delay was condoned on merits by order dated 05.11.2018. Again on 13.11.2018, while ordering notice before admission in this appeal, this Court permitted Sri B.Mayur Reddy, learned counsel for the appellant, to effect personal service by registered post with acknowledgment due upon the 26 respondents-writ petitioners.

Memo dated 03.12.2018 was filed by the learned counsel along with the returned envelopes which bear the endorsement '7 days Deposit.

¹ W.P.NO.24363 OF 1998 DECIDED ON 01.09.1998

² 1998 (2) ALT 47

H/R/sender.' It appears that despite the postal authorities waiting for seven days, the addressees failed to collect the notices and therefore, they were returned to the sender. In effect, they were unclaimed and the same would amount to deemed service of notices.

Sri B.Mayur Reddy, learned counsel, would bring it to our notice that the decision of this Court in P.T.RAO² was considered by the Supreme Court in THE DIVISIONAL MANAGER, APSRTC V/ s. P.LAKSHMOJI RAO³. The Supreme Court, having considered the reasoning of the Division Bench in P.T.RAO² at length, held that the law laid down therein was not legally sustainable for more than one reason. In effect, the learned Judge ought not to have relied upon the decision of this Court in P.T.RAO² as it no longer constituted good law in the light of the observations made by the Supreme Court in P.LAKSHMOJI RAO³.

As that was the only basis for the directions given by the learned Judge, we allow the appeal and set aside the order dated 15.06.2018 passed by the learned Judge in W.P.No.5452 of 2001. In consequence, the said writ petition shall stand dismissed.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR,J

M.GANGA RAO,J

Date:04.12.2018

GJ

³ 2004 (2) SCC 433