

THE HON'BLE THE CHIEF JUSTICE SATISH CHANDRA SHARMA

AND

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT APPEAL Nos.196, 215, 281 and 319 of 2017

COMMON JUDGMENT: *(Per the Hon'ble the Chief Justice Satish Chandra Sharma)*

Regard being had to the similitude in the controversy involved in the present cases, the writ appeals were analogously heard and by a common judgment, they are being disposed of by this Court.

The facts of the W.A.No.196 of 2017 are as follows:-

The present writ appeal is arising out of an order dated 21.09.2016 passed by the learned Single Judge in W.P.No.25761 of 2016. The said writ petition was disposed of along with other connected writ petitions i.e., W.P.No.24323 of 2012 and batch.

Learned counsel for the appellants, at the outset, has drawn the attention of this Court towards the judgment delivered in W.A.No.380 of 2017 and batch decided on 05.06.2017 and his contention is that in the light of the judgment of the Division Bench, which is again based upon the judgment delivered in the case of **Andhra Pradesh**

State Road Transport Corporation v. B.S.Reddy¹ the present writ appeal also deserves to be disposed of with a liberty to the respondent to avail the remedies in terms of the judgment delivered by the Hon'ble Supreme Court in the aforesaid case. The operative portion of the order passed by the Division Bench is reproduced 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.

Following the order of the Supreme Court, in Civil Appeal No.3529 of 2017 and batch dated 23.02.2017, these Writ Appeals are also disposed of holding that the benefit of Section 47 of the Act shall be available only to those who are covered by the disabilities specified in Section 2(i) of the Act; it

¹ (2008) 12 SCC 704

is open to the appellant-Corporation to take a decision, on individual grievances of the respondent-writ petitioners, with utmost expedition preferably within three months from the date of receipt of a copy of the order; and the respondent-writ petitioners are at liberty thereafter to avail their remedies in terms of the judgment of the Supreme Court. Miscellaneous Petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.”

In the light of the aforesaid, no further orders are required to be passed in the present writ appeals and they are being disposed of in terms of the judgment passed in W.A.No.380 of 2017 and batch decided dated 05.06.2017. The said judgment shall be applicable *mutatis mutandis* in the present cases also.

A copy of the judgment passed in W.A.No.380 of 2017 and dated 05.06.2017 shall be kept in the file of the present cases.

The miscellaneous applications pending, if any, shall stand closed.

SATISH CHANDRA SHARMA, CJ

ABHINAND KUMAR SHAVILI, J

25.03.2022

VS