

Sakti Through Its Director, Rampachodavaram, E. G. Distt., A. P.

Vs

R. K. Ragala and Others

Civil Appeal No. 10754 of 1995

(K. Ramaswamy, B. N. Kirpal JJ)

06.11.1995

ORDER

1. Permission to file SLP is granted.
2. Leave granted.
3. 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 *Madhuri Patil v. Addl. Commr., Tribal Development* [(1994) 6 SCC 241 : 1994 SCC (L&S) 1349 : (1994) 28 ATC 259] and *Director of Tribal Welfare, Govt. of A.P. v. Laveti Giri* [(1995) 4 SCC 32 : 1995 SCC (L&S) 914 : (1995) 30 ATC 166 : JT (1995) 3 SC 684]. The ratio of the High Court decision is no longer good law.
4. 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.
5. The appeal is disposed of with the above observations.