

(2001) 02 SC CK 0022

In the Supreme Court Of India

Case No : Civil Appeal No's. 1301-02 of 2001 Arising out of SLP (C) No's.
15811-12 of 1999

Divisional Manager, A.P. SRTC

APPELLANT

Vs

K. Radha Krishna

RESPONDENT

Date of Decision : 16-02-2001

Acts Referred:

Citation : (2001) 02 SC CK 0022

Hon'ble Judges : B. N. Agrawal, J;A. P. Misra, J

Bench : Division Bench

Final Decision : Allowed

Judgement

1. Leave granted.
2. Heard learned counsel for the parties.
3. The appellant-Corporation has challenged the order of the High Court dated 21st April, 1999 whereby the High Court allowed the Revision Petition of the respondent directing the Corporation to employ him in terms of the questioned Circular.
4. The short facts are: on 30th September, 1992, the father of respondent, who was working as Conductor, retired. Thereafter, an application was moved for appointment under the Ex-employees' Children quota provided vide Circular dated 7th November, 1986 as amended by one dated 26th November, 1987. This claim of the respondent was rejected by the Corporation on the ground that his brother named K. MuraliKrishna was already appointed to the post of Conductor purely on humanitarian grounds. Subsequently, the respondent filed a writ petition in the High Court where the learned single Judge initially directed the respondent to submit a fresh application to the concerned respondent. The Corporation again rejected the claim of the respondent on the same ground. It is also relevant to mention here that on 15th February, 1995, the appellant cancelled /withdrawn the 10% vacancies which were reserved for the children of

the retiring employees on which respondent had made his claim. The respondent again approached the High Court in writ petition and in Misc. Petition No. 17774 of 1995 directed ad interim to appoint respondent, the representation was again made by the respondent when no appointment was made, in pursuance thereof, respondent again filed writ petition. The Division Bench, by its judgment dated 18th September, 1997, dismissed the writ petition on the same ground that the brother of the respondent was already appointed to the post of Conductor purely on humanitarian ground, hence the respondent could not be appointed as Conductor under the Ex-employee category quota. The writ petition was dismissed and the services of the respondent which was made earlier in pursuance of the court order was discontinued. Thereafter, a review petition was filed by the respondent which was allowed on 21st April, 1999 on the ground that the object of the Circular was to provide assistance to the family of a person who rendered service to the Corporation. Thus this appeal by special leave has been preferred by the Corporation.

5. We have heard learned counsel for the parties. We considered the relevant Circulars and the settlement. The High Court fell into error in directing the employment of the respondent in review. The purpose of the Circular/settlement earlier was to give economic help/relief to the employee dying in harness or retiring but the purpose is not to employ more than one child of such employee. It is submitted in some Circular it is specifically provided not to employ more than one its mere absence in the settlement on which reliance has been placed would make no difference. The settlement reveals that 10% vacancies on the post of Conductor are reserved in the Corporation for the children of the employee dying in harness or retiring from service on their completing 55 years, or 25 years of service etc. subject to the condition mentioned therein. However, mere absence of specific mention that only one child is to be absorbed makes no difference. The normal reading of the settlement makes out that the object is to provide employment to one child of such employee to render economic help and stability to such family. Unless it is specifically provided, one cannot read more than one. If it is read otherwise then it could also be for three, four or five children of the same employee. By such interpretation the very purpose and the spirit of the Circular and settlement would be lost. Hence, we find, the High Court fell into error by directing the appellant to employ respondent. It is significant to refer here that the aforesaid Circular reserving 10% vacancies for the said employee came in for consideration before the High Court in writ petition wherein the High Court clearly disapproved the same which finally was withdrawn.

6. For the aforesaid reasons, the present appeal is allowed. The impugned order of the High Court dated 21st April, 1999 is hereby quashed. Costs on the parties.