

(2000) 02 SC CK 0184

In the Supreme Court Of India

Case No : Civil Appeal No: 1558, 1559 of 2000

Divisional Manager, A.P. SRTC

APPELLANT

Vs

Kondi K. Rambabu and Others

RESPONDENT

Date of Decision : 25-02-2000

Acts Referred:

Constitution of India Art 226

Citation : 2000 (9) SCC 270

Hon'ble Judges : S. P. Bharucha, J;Ruma Pal, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

1. Delay condoned.

2. Leave granted.

3. The first respondent was working as a cleaner-cum-driver with a private operator. As a result of nationalisation, the respondent lost his job. He filed an application before the Labour Court, which was dismissed. Thereagainst, he filed a writ petition upon which the order under challenge was passed. The Division Bench that heard the writ petition noted that the circular upon which the respondent had relied before the Labour Court did not apply to cleaners. The respondent's counsel directed the attention of the Division Bench to orders whereby it had directed the appellant Corporation to appoint displaced persons as cleaners though they had worked as drivers and had been found ineligible by the appellant Corporation for the post of cleaner. Learned counsel prayed for a similar direction, and the High Court said: "Having regard to the facts and circumstances of the case, to meet the ends of justice, we feel it appropriate to direct the Corporation to absorb the petitioner as cleaner provided he is willing." A review petition by the appellant Corporation was dismissed.

4. There is no jurisdiction in the High Court to pass orders such as this. Where relief is to be granted on merits, it can be moulded to meet the ends of justice.

But when, as in this case, there is no merit in the writ petitioner's case in law, the court cannot, to meet what it says are the ends of justice, direct the respondent to a writ petition to do that which is impermissible for it to do in law and under the rules that govern that respondent. The orders of the High Court are, therefore, quashed.

5. The appeals are allowed and the writ petition is dismissed. No order as to costs.