

(2000) 09 SC CK 0143

In the Supreme Court Of India

Case No : Civil Appeals Nos. 5621-22 Of 2000

Govt. of A.P. and Others

APPELLANT

Vs

Kolla Raghavaiah and Another

RESPONDENT

Date of Decision : 27-09-2000

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2001) 2 ALT 63 : (2001) 88 FLR 37 : (2000) 2 JT 447 Supp : (2001) 1 LLJ 956 : (2001) 10 SCC 542

Hon'ble Judges : V. N. Khare, J;R. C. Lahoti, J

Bench : Division Bench

Final Decision : Allowed

Judgement

V.N. Khare and R.C. Lahoti, JJ.—Leave granted.

2. The respondents filed a petition under Article 226 of the Constitution of India before the High Court of Andhra Pradesh for regularisation of their services. In the said writ petition before the High Court, the appellant Nos. 2 and 3 were arrayed as respondents. The learned single Judge of the High Court allowed the writ petition and issued a direction to regularise the services of respondents herein. Against the said judgment, State of Andhra Pradesh, the District Collector, Prakasam District and the Divisional Panchayat Officers, Prakasam District, sought leave of the High Court to file writ appeal. The High Court refused to accord leave to file an appeal on the ground that the respondents were not employees of the appellants. It is against the said judgment the appellants are in appeal before us.

3. This Court issued notice on November 25, 1999 limited to the question as to why the matter should not be remanded to the High Court. We have heard counsel for parties. It is not disputed that appellants No. 2 and 3 were also appellants before the High Court. It is only, the Government of Andhra Pradesh who was not a party in the writ petition as the State Government was not impleaded as respondent in the writ petition. It is also not disputed that

Panchayat is getting grant from the State Government and, therefore, the Government of Andhra Pradesh was also a necessary party. In view of the said fact, the Government of Andhra Pradesh was a necessary party to the writ petition and was not impleaded as respondent in the writ petition. Under such circumstances, the High Court ought to have accorded leave to the Government of Andhra Pradesh to file writ appeal. We are satisfied that the view taken by the High Court in declining to grant leave to the Government of Andhra Pradesh was erroneous. We, therefore, set aside the judgment under appeal and send the case back to the High Court for deciding the 'appeal preferred by the appellants in accordance with law.

4. The appeals are allowed. There shall be no order as to costs.