
(1999) 07 AP CK 0152

In the Andhra Pradesh High Court

Case No : Writ Petition No. 14814 of 1999

J. Pullaiah

APPELLANT

Vs

A.P.S.R.T.C. and Another

RESPONDENT

Date of Decision : 19-07-1999

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (1999) 5 ALD 60 : (1999) 5 ALT 400

Hon'ble Judges : S.R. Nayak, J

Bench : Single Bench

Advocate : Mr. A.K. Jaya Prakash Rao, for the Appellant; Ms. G. Jyothi Kiran, SC for APSRTC, for the Respondent

Judgement

1. Rule nisi. Ms. Jyothi Kiran took notice for respondents. The writ petition was heard finally with the consent of the learned Counsel for the parties.

2. The petitioner is currently serving as Conductor in the establishment of APSRTC. On certain alleged misconduct, departmental enquiry was initiated by issuing charge memo. The Enquiry Officer has already conducted the enquiry and submitted his report. On receipt of the report, the disciplinary authority considering the same, issued second show cause notice proposing the petitioner's removal from the service of APSRTC as disciplinary measure. The second show cause notice is dated 3-7-1999. Hence, this writ petition assailing the validity of the same.

3. Sri A.K. Jayaprakash Rao, learned Counsel for the petitioner, would highlight certain irregularities and illegalities that have crept into the enquiry and on that count, appeal to the Court to entertain the writ petition and adjudicate upon the contentions touching irregularities and illegalities. The same contentions which are taken in the writ petition and sought to be highlighted by the learned Counsel for the petitioner, could be put forth before the disciplinary authority by way of reply to the second show cause notice. The Supreme Court in The United Planters Association of Southern India Vs. K.G. Sangameswaran and another, ,

observed thus:

"It has always been the philosophy of Industrial Jurisprudence that if the domestic enquiry held by the employer was defective, deficient, incomplete or not held at all, the Tribunal, instead of remanding the case to the enquiry officer for holding enquiry de novo, would itself require the parties to produce their evidence so as to decide whether the charges, for which disciplinary action was taken against the employee, were established or not. The pending proceedings keep the employer and the employee in a state of confrontation generating further misgivings and bitterness. It is, therefore, of paramount importance that such proceedings should come to an end at the earliest so as to maintain industrial peace and cordial relations between the management and the labour."

4. What is emphasized in the above observations of the Apex Court is that the disciplinary proceedings taken by the industrial employer should come to an end as quickly as possible so as to maintain healthy and good relationship in the industry. It is needless to state that APSRTC is an "industry" and the petitioner before the Court is "workman". The petitioner has right of appeal and review under APSRTC CCA Regulations against the order that may be passed by the disciplinary authority. The petitioner being an industrial worker, he has comprehensive, cheap remedy before the Industrial Court constituted under the Industrial Disputes Act. In that view of the matter, it is neither expedient nor appropriate for this Court to entertain the writ petition at this stage, that is to say at the fag end of the domestic enquiry, and to interdict the proceedings. The writ petition is, therefore, dismissed. No costs.