
(1991) 11 AP CK 0036
In the Andhra Pradesh High Court
Case No : Writ Appeal No. 1169 of 1991

Jagam Mandaiah

APPELLANT

Vs

Singath Paddaiah and Others

RESPONDENT

Date of Decision : 04-11-1991

Acts Referred:

Andhra Pradesh Gram Panchayats Act, 1964 — Section 17

Citation : (1992) 1 ALT 507 : (1992) 1 APLJ 288

Hon'ble Judges : Parvatha Rao, J;Lakshmana Rao, J

Bench : Division Bench

Advocate : P. Venkateswarlu, for the Appellant;

Final Decision : Dismissed

Judgement

Lakshmana Rao, J.—The appellant herein who had been working as Trammer in the Singareni Collieries Company Limited was elected as Sarpanch, Batwanpalli, Gram Panchayat, Bellampalli Mandal, Adilabad District on 10-3-1988. There is no dispute that at the time when he was elected as Sarpanch of Gram Panchayat, he was working in the Singareni Collieries Company Limited as Trammer. Section 17 of the A.P. Gram Panchayats Act, 1964, which deals with the disqualification of employees working in the industrial undertaking, reads as follows:-

"Section 17: Disqualification of officers and servants of State or Central Government or of local authorities or employees or workmen of industrial undertakings:

No village servant and no other officer or servant of the State or Central Government or of a local authority or an employee of any co-operative society registered under the A.P. Co-operative Societies Act, 1964 or an employee of any corporation or any industrial undertaking owned or controlled by the State or Central Government shall be qualified for being chosen as or for being a member of a Gram Panchayat.

XXX XXX XXX XXX XXX XXX

This section was amended by Amendment Act 32 of 1986. According to the learned counsel for the appellant, at the time the Bill was introduced in the State Legislative Assembly, it contained the words "workman or an employee" of any industrial undertaking and that the word "workman" was deleted later by the legislature during the discussion on the Bill. Therefore, the learned counsel submits that the word "Employee" used in Section 17 of the Act shall be read as excluding the "workman" within the meaning of the Industrial Disputes Act. We are unable to accept the contention of the learned counsel. When the expressions used in the section are clear and unambiguous the Court has to construe the expressions according to their ordinary literal meaning. "Employee" means any person who has been employed by an employer. Therefore every workman will come within the meaning of "Employee". But at the same time every employee may not be a workman as defined under the Industrial Disputes Act. Therefore, the learned single Judge was quite justified in holding that the workman working in the Singareni Collieries Company Limited, an industrial undertaking, will come within the meaning of "Employee" occurring in Section 17 of the A.P. Gram Panchayat Act and therefore he will incur the disqualification from being chosen or for being a member of a Gram Panchayat.

2. The learned counsel has placed reliance on the Judgments of the Supreme Court in *Bangalore Water Supply and Sewerage Board Vs. A. Rajappa and Others*, *Gramophone Company of India Ltd. Vs. Birendra Bahadur Pandey and Others*, and *Manohar Nathurao Samarth Vs. Marotrao and Others*, in support of his contention that the words used in the section have to be understood in the context of the purpose and object of the Act and the mischief sought to be remedied by a particular enactment. The principles of interpretation referred to in those decisions cannot be disputed; but when we apply those principles in construing a particular provision of the Act, we have to bear in mind that unless the context otherwise requires, we cannot ignore the plain and ordinary grammatical meaning of a word or expression. In our view, the word "Employee" does not give scope for any ambiguity and it definitely includes all those persons who have been employed in relation to the work of a particular industrial undertaking. Since all the workmen employed in the Singareni Collieries Company Limited come within the description of "Employee" of an industrial undertaking we have no doubt that the appellant herein incurs disqualification u/s 17 of the A.P. Gram Panchayats Act. In those circumstances, we do not see any ground to interfere with the judgment under appeal.

3. The writ appeal is accordingly dismissed. No Costs.