

(2015) 03 KAR CK 0361
In the Karnataka High Court
Case No : Writ Petition No. 56808 of 2014 (S)

Narendra Kumar

APPELLANT

Vs

Karnataka Power Transmission Corporation Limited and
Others

RESPONDENT

Date of Decision : 27-03-2015

Acts Referred:

Citation : (2015) 3 KarLJ 32 : (2015) 4 KCCR 3496

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

Bench : Single Bench

Advocate : Abhinay Y.T., for the Appellant; Harikrishna S. Holla and Ravindra Reddy, Advocates for the Respondent

Final Decision : Disposed off

Judgement

Raghvendra S. Chauhan, J.

1. The petitioner-Mr. Narendra Kumar, has approached this Court with an extremely limited prayer that the representation made by him on 17-9-2014 should be considered by the respondents. It is the case of the petitioner that he, Mr. K. Shashidhar and Mr. Ravi were charge-sheeted and an enquiry was initiated against all three of them under Regulation 11 of Karnataka Electricity Board Employees" (Classification, Disciplinary, Control and Appeal) Regulations, 1987 (hereinafter referred to as "the Regulations" for short). Subsequently, all three were removed from service by order dated 21-1-1999. Since the petitioner and the other two delinquent employees were aggrieved by the order dated 21-1-1999, they filed three separate writ petitions before this Court. By order dated 9-8-1999, this Court allowed the said writ petitions, directed the respondent-Board to initiate a fresh enquiry as contemplated under Regulation 14(iii) of the Regulations. Subsequently, the respondent-Board passed a resolution by observing that since it is not expedient to hold a detailed enquiry by following the procedure laid down in Regulations 11, 12 and 13 of the Regulations of 1987, it directed the disciplinary authority ought to pass orders as

contemplated under Regulation 14 of the Regulations. Subsequently, the disciplinary authority passed the order of dismissal against the petitioner and other two delinquents.

2. The petitioner raised an industrial dispute against the dismissal order before the Labour Court, which was registered as ID No. 94 of 2001. However, by an award dated 9-12-2005, the learned Labour Court dismissed the reference. Aggrieved by the said dismissal, the petitioner and other two delinquents filed three different writ petitions before this Court viz., Writ Petition Nos. 8249 of 2011, 12031 of 2006 and 8248 of 2011. The writ petition filed by Mr. K. Shashidhar viz., Writ Petition No. 12031 of 2006 (K. Shashidhar v The Managing Director, Bangalore Electricity Supply Company, Bangalore 2008(5) Kar. L.J. 310) was allowed by this Court by order dated 6-3-2008; this Court quashed the order of dismissal. Aggrieved by the said order dated 6-3-2008, the respondent filed writ appeal before this Court viz., Writ Appeal No. 717 of 2008. By the judgment dated 29-7-2008, a Division Bench of this Court dismissed the writ appeal. Thereafter, the respondent approached even the Hon"ble Supreme Court by filing SLP No. 29334 of 2008. But, by judgment dated 11-12-2009, the Hon"ble Apex Court dismissed the SLP. Thus, the order of dismissal is stood quashed.

3. Despite the fact that the order of dismissal has been quashed, the respondent again reinitiated the disciplinary proceedings against Mr. K. Shashidhar. Mr. K. Shashidhar challenged the reinitiation of the disciplinary proceedings by filing writ petition before this Court viz., Writ Petition No. 35160 of 2010. By the order dated 9-12-2011, this Court allowed the said writ petition, and held that the respondent could not have reinitiated fresh proceedings. The respondent again went before the Division Bench of this Court by filing Writ Appeal Nos. 606 and 607 of 2012. However, by judgment dated 19-4-2013, the Division Bench dismissed the said appeal.

4. Meanwhile, in the writ petition filed by the petitioner viz., Writ Petition No. 8249 of 2011, this Court by the order dated 6-11-2012, quashed the order of dismissal. Subsequently, the petitioner was reinstated by the order dated 16-4-2013, without continuity of service, back wages. However, again the respondent contemplated a de novo disciplinary proceeding. But, considering the fact that in the case of Mr. K. Shashidhar, the respondents were not permitted to hold a de novo disciplinary enquiry, the petitioner submitted a representation for the same benefit to be extended to him as extended to Mr. K. Shashidhar. It is the case of the petitioner that despite having sent the said representation on 17-9-2014, the respondents are maintaining a studied silence over the representation. Hence, this petition before this Court.

5. The learned Counsel for the petitioner has submitted that once a representation is made, the respondents are duty-bound to consider it. However, the learned Counsel for respondent 1 has claimed that the said representation has been addressed to the Superintending Engineer (Electrical), Bangalore Circle, North. Thus, it is unclear as to whom the representation has been addressed to.

Therefore, the respondents have failed to consider the said representation. Considering the fact that the petitioner is still aggrieved by the fact that he has not given the same benefit as has been given to Mr. K. Shashidhar, and his grievance still stands out, this Court directs the petitioner to file a fresh representation to the respondents within a period of two weeks from today. The respondents are directed to consider his representation within a period of one month from the date of receipt of representation and to pass a reasoned order upon his representation.

With these observations, writ petition is, hereby, disposed of.