

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH

FRIDAY, THE TWENTY NINETH DAY OF JANUARY
TWO THOUSAND AND SIXTEEN

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Present

HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No.2362 of 2016

Between:

G. Bala Krishnaiah,
S/o. Shivaiah, Aged 35 years,
R/o. Rayachoti (Village & Mandal),
Madanapally Road, Opp. S.R. Wines,
Y.S.R. Kadapa District,
Andhra Pradesh – 516 269.

.. Petitioner

AND

The Andhra Pradesh Southern Power
Distribution Company Ltd.,
Having its Corporate Office
at Srinivasapuram,
Tiruchanur Road, Tirupathi,
Chittoor District, A.P.,
Rep. by its Chairman &
Managing Director & 4 others

.. Respondents

The Court made the following:

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ORDER:

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The petitioner was engaged by the Electrical and Civil Contractor to work in the Andhra Pradesh Southern Power Distribution Company Ltd., as Shift Operator. The Government has received several complaints against the petitioner alleging that the petitioner was indulging in illegal demanding of money, fixation of unauthorized connections, etc. The Additional Assistant Engineer Operation, Rayachoti (4th respondent) submitted report on 19.10.2015. Based on these complaints, and the report submitted by the Additional Assistant Engineer, the Divisional Engineer, Operation, Rayachoti (3rd respondent) advised the contractor vide his letter, dated 21.10.2015, to terminate the services of the petitioner. The petitioner challenged the said order in this writ petition.

2. Learned counsel for the petitioner would submit that the proceedings of the Divisional Engineer, Operations, Rayachoti (3rd respondent), dated 21.10.2015, are stigmatic. Serious allegations are levelled against the petitioner. The petitioner was not given opportunity of hearing before levelling such serious allegations and, therefore, that order is liable to be set aside.

3. Learned Standing Counsel produced the reports and complaints as well as the letter of the Contractor, dated 30.10.2015, wherein the contractor informed the Divisional Engineer, Operation, APSPDCL, Rayachoti (3rd respondent) that the services of the petitioner were terminated and he is not being engaged since 22.10.2105. It is, thus, clear that the contractor, who has engaged the petitioner terminated the service.

4. There is no direct relationship with the respondent Company. The petitioner is engaged by the contractor and as an employee of the contractor, the petitioner is working in the respondent Company as Shift Operator. Therefore, the petitioner's employer is the 5th respondent.

5. Against the order of termination by the employer, the employee has to work out his remedies elsewhere. The proceedings under challenge only advise the contractor for termination of the services. Whether the proceedings of the Divisional Engineer cast stigma on the petitioner and whether the contractor was entitled to terminate the services of the petitioner without following the due process and only based on the letter written by the Divisional Engineer, dated 31.10.2015, are matters which can be agitated by the petitioner before appropriate forum, aggrieved by the orders of termination of services. Since the services are already dispensed with, the petitioner has to work out his remedy elsewhere against his employer.

6. The Writ Petition is, accordingly, dismissed, leaving it open to the petitioner to work out his remedies as available under law. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO, J

Date: 29th January, 2016

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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