

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

Writ Petition No.26410 of 2017

Between

Southern Power Distribution Company of A.P. Ltd.,
Rep. by its Divisional Engineer, Operation,
Proddatur-516 360, Kadapa District

... Petitioner

and

1. Permanent Lok Adalat for Public Utility Services,
Kadapa, Kadapa District, Rep. by its Chairman
2. Y.Venkata Lakshumma, W/o late Ankanna,
R/o D.No.28/435, Mittamadi Street,
Rameswaram, Proddatur, Kadapa District
3. Y.Venkatamma, W/o late Ankanna,
R/o d.No.26/1168, Mittamadi Street,
Rameswaram, Proddatur, Kadapa District

... Respondents

DATE OF JUDGMENT PRONOUNCED: 05-12-2017

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE SRI JUSTICE M.GANGA RAO

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| 1 | Whether Reporters of Local newspapers may be allowed to see the Judgments? | Yes/No |
| 2 | Whether the copies of judgment may be marked to Law Reports/Journals | Yes/No |
| 3 | Whether Their Ladyship/Lordship wish to see the fair copy of the Judgment? | Yes/No |

* HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
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HON'BLE SRI JUSTICE M.GANGA RAO

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Vs.

\$ 1. Permanent Lok Adalat for Public Utility Services,
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Rameswaram, Proddatur, Kadapa District

... Respondents

! Counsel for Petitioner: Mr N.Siva Reddy

Counsel for Respondent No.1: Mr. J.Anil Kumar

Counsel for Respondents 2&3: Mr. V.R. Reddy Kovvuri

< Gist:

> Head Note:

? Cases referred:
Nil.

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE SRI JUSTICE M.GANGA RAO

Writ Petition No.26410 of 2017

Order: (per V.Ramasubramanian, J.)

Challenging an award passed by the Permanent Lok Adalat, the Southern Power Distribution Company of Andhra Pradesh Limited, Proddatur, Kadapa District, has come up with the above writ petition.

2. Heard Mr. N.Siva Reddy, learned counsel for the petitioner, Mr. J.Anil Kumar, learned counsel for the 1st respondent and Mr. V.R. Reddy Kovvuri, learned counsel appearing for the respondents 2 and 3.

3. The 2nd respondent herein filed a petition before the Permanent Lok Adalat claiming that she is the legally wedded wife of one Ankanna, who worked as a Foreman in the petitioner-Company and died after retirement on 13-12-2011 and that she was not granted family pension on account of a claim made by the 3rd respondent, who was recognised as the only legally wedded wife of Ankanna. In the petition filed by the 2nd respondent before the Permanent Lok Adalat, she impleaded the 3rd respondent as well as the Company as parties. The Permanent Lok Adalat took the case on file as P.L.A.C.No.13 of 2017 and issued notices to the Company for appearance.

4. On the date fixed for the appearance, the petitioner-Company appeared before the Lok Adalat and raised a preliminary objection with regard to the maintainability of

the petition. The petitioner also pointed out that the 2nd respondent earlier made an attempt in the year 2015 but her claim was rejected by the Permanent Lok Adalat way back on 19-8-2015. The petitioner-Company had been paying family pension to the 3rd respondent, ever since the death of the employee on 13-12-2011, since the 3rd respondent's name alone was mentioned by the employee in the pension papers.

5. However, without considering the objections relating to maintainability, the Permanent Lok Adalat passed an award holding that the 3rd respondent herein, who is the senior widow of the deceased employee, had voluntarily agreed to share Rs.15,000/- per month from out of the family pension payable to her and that the Company should therefore issued revised pension orders accordingly. Aggrieved by the said order, the Company is before us.

6. The main issue that arises for consideration in this writ petition is as to whether the Permanent Lok Adalat could have entertained a dispute of this nature at all.

7. Under the Legal Services Authorities Act, 1987, every State Authority is obliged under Section 22B(1) to establish Permanent Lok Adalats at such places and for exercising such jurisdiction in respect of one or more public utility services. The expression "public utility service" is defined in Section 22A(b) to mean any of the following:

- (i) transport service for the carriage of passengers or goods by air, road or water;
- (ii) postal, telegraph or telephone service;

- (iii) supply of power, light or water to the public by any establishment;
- (iv) system of public conservancy or sanitation;
- (v) service in hospital or dispensary;
- (vi) insurance service.

8. Under Section 22C(1), any party to a dispute, may, before the dispute is brought before any Court, make an application to the Permanent Lok Adalat for the settlement of the dispute. But by the provisos thereto, the jurisdiction of the Permanent Lok Adalat is curtailed in respect of – (i) any matter relating to an offence not compoundable under any law and (ii) any matter where the value of the property in dispute exceeds Rs.10 lakhs.

9. The moment a dispute is brought before the Permanent Lok Adalat, the Permanent Lok Adalat is obliged to take the following steps for the resolution of the dispute:

- (i) direct the parties to file written statements;
- (ii) conduct conciliation proceedings so as to enable the parties to reach an amicable settlement;
- (iii) formulate the terms of a possible settlement of the dispute, wherever elements of settlement exist;
- (iv) decide the dispute, where the parties fail to reach an agreement.

10. Two provisions are worthy of being taken note of. They are – (i) Section 22C(8) and (ii) Section 22D. Section 22C(8) reads as follows:

“22C(8). Where the parties fail to reach at an agreement under sub-section (7), the Permanent Lok Adalat shall, if the dispute does not relate to any offence, decide the dispute.”

11. Section 22D reads as follows:

“22D. Procedure of Permanent Lok Adalat.—The Permanent Lok Adalat shall, while conducting conciliation proceedings or deciding a dispute on merit under this Act, be guided by the principles of natural justice, objectivity, fair play, equity and other principles of justice, and shall not be bound by the Code of Civil Procedure, 1908 (5 of 1908) and the Indian Evidence Act, 1872 (1 of 1872).”

12. Section 22E(1) makes every award of a Permanent Lok Adalat made either on merit or in terms of a settlement agreement, final and binding on the parties. Sub-section (2) of Section 22E declares that every award of the Permanent Lok Adalat shall be deemed to be a decree of a Civil Court. Sub-section (3) makes it clear that the award shall be by a majority of the persons constituting the Permanent Lok Adalat.

13. Sub-sections (7) and (8) of Section 22C, which enables the Permanent Lok Adalat to attempt at a settlement and thereafter to decide the dispute in the event of failure of conciliation proceedings, read with Section 22D which empowers the Permanent Lok Adalat to decide a dispute on merits on the basis of principles of natural justice, objectivity, fair play and equity, make it clear that the Permanent Lok Adalat is entitled to adjudicate a dispute. This is further strengthened by the use of the expression “**either on merit or in terms of a settlement agreement**” in Section 22E(1). The view is further strengthened by Section 22E(3) which mandates the award to be by a majority. It is only in cases

where an adjudication takes place that the question of majority and minority would arise.

14. Therefore, it is clear that the Permanent Lok Adalat has the power of adjudication. But such adjudication can be only in respect of a public utility service falling within the definition of the expression under Section 22A(b).

15. There is no doubt that the writ petitioner herein is engaged in the supply of power, so as to fall within the definition of the expression “public utility service” under Section 22A(iii). But the dispute on hand is not between a consumer of public utility service and the service provider. The dispute that went before the Permanent Lok Adalat was between two persons, each claiming to be the lawfully wedded wife of the deceased employee of the petitioner/Company. Therefore, it was actually an industrial dispute or at the most a service dispute and not a dispute relating to the provision of “public utility service”. Hence, the Permanent Lok Adalat could not have adjudicated this dispute.

16. The question as to who is the lawfully wedded wife of the deceased employee, is one of status. The status of a person cannot be adjudicated by the Permanent Lok Adalat. It can be adjudicated only by the Civil Court.

17. Moreover, the 2nd respondent appears to have already approached the Permanent Lok Adalat and got her petition dismissed in the year 2015. Under Section 22E(4), an award of the Permanent Lok Adalat is final. Therefore, the

dismissal of the application in the first instance on 19-8-2015 has attained finality and the same dispute could not have been reopened once more.

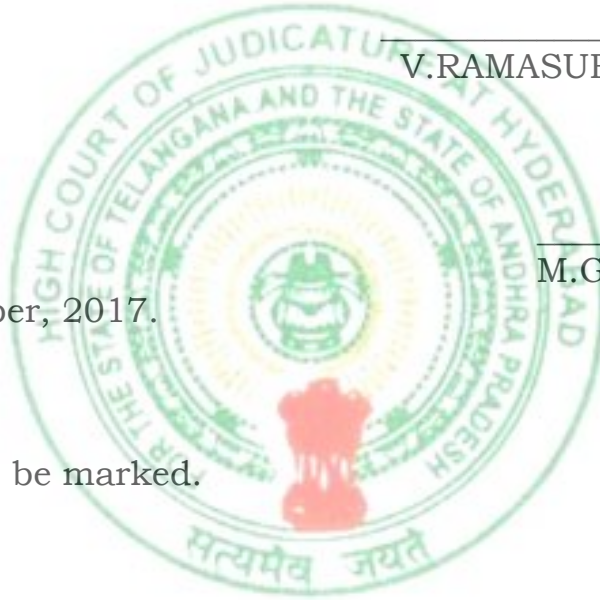
18. In view of the above, the writ petition is allowed and the award of the Permanent Lok Adalat is set aside. It is open to the 2nd respondent to work out her remedies before the appropriate forum in a manner known to law. The miscellaneous petitions, if any, pending in this writ petition shall stand closed. No costs.

V.RAMASUBRAMANIAN, J

M.GANGA RAO, J.

05th December, 2017.
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Note:-
L.R. Copy to be marked.
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HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE SRI JUSTICE M.GANGA RAO

Writ Petition No.26410 of 2017
(per VRS, J.)



05th December, 2017.
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