

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.30321 of 2016

Date: 17.01.2017

Between:

Sri P.T.Satyanarayana Murthy S/o. P.Rama Rao,
Aged about 43 years, Occu: Driver, D.No.4-8-4,
Ponugupativari Street, Mastaramma Temple,
Samarlakota, East Godavari District.

.....Petitioner

and

The Eastern Power Distribution Company of
A.P.Ltd., rep.by its Managing Director, P&T Colony,
Seethammadhara, Visakhapatnam and others.

.....Respondents



The Court made the following:

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ORDER:

Petitioner claims to have been appointed as Driver and has been working as Driver with Easter Power Distribution Company Limited, Andhra Pradesh. It appears that on the allegation of functioning of the petitioner as Driver, Vigilance enquiry was conducted. Petitioner being an employee of M/s.Eastern Power Distribution Company Limited Contract Welfare Society, Rajamahendravaram, with whom contract was entered into by the respondent-company, respondent company issued notices calling for its explanation on the allegations received against its employees. It appears, based on the notices issued by the respondent-company, the Contract Welfare Society terminated the services of the petitioner. This writ petition is filed declaring the action of the respondent-company as well as the Contract Welfare Society in removing the petitioner from service as illegal and arbitrary.

2. Learned counsel for petitioner submits that petitioner had worked for 16 years and subsequent to the alleged incident, several engineering authorities have reported that petitioner was not responsible for the alleged incident. Having regard to the favourable reports given by the Engineers, representation was also submitted to the Chairman and Managing Director of the respondent-company. Alleging that even that representation is not considered and so far no decision is made and petitioner is not allowed to work, this writ petition is filed.

3. In the counter-affidavit filed by the respondent-company, it is categorically asserted that petitioner was not employed by the respondent-company, but is an employee of the Contract Welfare Society (4th respondent) and there is no relationship of Master and Servant subsisting between the petitioner and the respondent-company; that having come to know about the illegalities committed by the Society employees, notices were issued to the society and society in turn seems to have taken action against its employees.

4. Learned counsel for petitioner fairly submits that by the time the alleged action of termination of service was taken, petitioner was employed by the 4th respondent-society. Thus, even assuming that subsequent favourable reports of engineers would come to the rescue of the petitioner, no direction as sought for can be granted against the respondent-company as no relationship of master and servant subsist between the petitioner and the respondent-company. If at all petitioner has any grievance on the alleged termination, it is against the 4th respondent-society and 4th respondent society being a private person and there is no public law element involved in the writ petition, writ petition cannot be entertained and relief as sought for can be granted against the private society. If the petitioner has grievance against alleged termination by the 4th respondent, petitioner has to work out his remedy as available in law before appropriate forum. Writ petition is dismissed accordingly. However, it is needless to observe that since petitioner claims to have submitted

representation to the Chairman and Managing Director of the respondent-company, it is open to the petitioner to pursue the said representation and dismissal of the writ petition does not come in the way of petitioner pursuing the said representation.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

JUSTICE P.NAVEEN RAO

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