

In Re: M. Gnanendra

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Court : Andhra Pradesh

Decided On : Jan-30-1989

Reported in : (1994)IIILLJ124AP

Judge : Jagannadha Rao, J.

Acts : Andhra Pradesh Industrial Standing Orders and Rules

Appeal No. : W.P. 1192 of 1989

Appellant : In Re: M. Gnanendra

Advocate for Pet/Ap. : Syed Shareef Ahmed, Adv.

Disposition : Petition dismissed

Judgement :

ORDER

Jagannadha Rao, J.

1. The petitioner is an employee on daily wages, and in connection with certain conduct, the Corporation decided to take disciplinary action. They issued a charge memo on 24.12.1988. Simultaneously they passed the impugned order dated 24.12.1988 which reads as follows:-

'Pending disciplinary action Sri M. Gnanendra, E.503782, casual Conductor of Giddalur depot who was involved in Cash and ticket irregularities case on 19.12.1988 and has been placed under 'Depot Spare', is hereby kept under Put-Off duty with immediate effect'.

The learned counsel for the petitioner submits that there is no provision in any of the rules made by the Corporation permitting them to keep the petitioner on Put-Off duty.

2. The learned counsel also referred to certain A.P. Industrial Standing Orders and Rules but failed to bring to my notice any particular rules which prohibits the passing of an order like the one impugned in this case.

3. The submission of the learned counsel that there is no provision in any of the rules made by the Corporation permitting the Corporation to keep the employee on Put-Off duty, is in my opinion, not correct. The petitioner is engaged on daily wages and if he commits any misconduct and the management wants to take any disciplinary action it is certainly open to them to ask the petitioner not to attend duty. It is one of the privileges of any master to require his servant not to attend duty. It is one of the privileges of any master to require his servant not to attend duties pending enquiry. No specific power in that behalf is necessary. If the employee is employed on a temporary or regular basis under a particular pay, the order of suspension pending enquiry will not preclude the employee from getting wages attached to the post subject to any rules permitting payment of suspension allowance only. The relationship of master and servant still continues unless the same is terminated by passing any order of punishment which has that effect. In the present case the order of the Corporation keeping the petitioner on Put-Off duty is in the nature of an order of suspension pending enquiry. If the petitioner was a temporary or regular employee, the management could have used to work 'suspension pending enquiry' but inasmuch as the petitioner is working on daily wages, the management is using the word 'Put- Off duty'. No prior notice is necessary before placing a person under Put-Off duty. The position is similar to a case where a person is placed under suspension pending enquiry and for such an action, no prior notice is necessary. The notice or enquiry is post -decisional in the

sense that after the suspension starts or after the Put-Off duty comes into force, the employee will have an opportunity in the main enquiry to establish that the charges are false. No enquiry is contemplated before issuing an order of suspension pending enquiry or Put-Off duty. No rule is also necessary to keep a person under Put-Off duty and it is, in my opinion, inherent in the relationship of master and servant. There are no merits in this writ petition. It is accordingly dismissed. No costs.

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