

M.H.Devendrappa

Vs

Karnataka State Small Industries Devp.Corporation

(Sujata V.Manohar, D. P. Wadhwa JJ)

17.02.1998

JUDGMENT

MRS.SUJATA V.MANOHAR J

1.At the material time the appellant was the Assistant Manager of the respondent-Karnataka State Small Industries Development Corporation (KSSIDC), Bangalore. He was also the President of the Karnataka State Small Industries Development Corporation Employees' Welfare Association, Bangalore.

2.On 3rd of June, 1977 the appellant addressed a letter to the Governor of Karnataka on behalf of the Karnataka State Small Industries Development Corporation Employees' Welfare Association in which he stated that the KSSIDC Corporation was likely to be wound up on account of bad administration, corruption and nepotism. He said that till 1977 the Corporation was running at a profit. However, since then it was sustaining continuous losses. In the letter it was alleged that several persons were being appointed in the Corporation who were not properly qualified at the instance of political leaders and ministers. The letter set out some instances of these kinds of appointments. There were also allegations in the letter about the nexus between contractors for various projects and the management of the Corporation. There were also some allegations about cement purchased from the corporation being diverted and various such alleged malpractices in general terms. The letter requested the Governor to arrange to investigate the working conditions of the said Corporation. The letter had no connection with the service conditions of the employees or the objects of the Employees' Welfare Association.

3.On 31st of December 1977, the appellant issued a press statement which was published in a Kannada Daily called Samyuktha Karnataka of the same date. The appellant issued a statement welcoming the dismissal of Mr.S.C.Venkatesh, who was then the Chairman of the appellant-Corporation from the Presidentship of the Bangalore City District Congress Committee. The appellant also expressed the hope that political leaders would prevail upon the Government and remove Mr.S.C.Venkatesh from the Presidentship of the respondent-Corporation thereby saving lakhs of rupees as Mr.S.C.Venkatesh was doing illegal activities.

4.In January, 1978 the respondent wrote to the appellant seeking confirmation about the authorship of the letter which had been sent to the Governor and asking for his explanation as to why disciplinary action should not be taken against him. Thereupon the appellant went on leave from 9th of January 1978 till 31st of January, 1978.The appellant absented himself from duty from 9th of

January, 1978 and on 12th of January, 1978 he sent a telegram to the respondent seeking commuted leave from 9.1.1978 to 31.1.1978. On 1st of February, 1978 the respondent published a notice in the newspaper calling upon the appellant to report back for duty within seven days. By letter of 9th of February, 1978, the appellant was asked to show cause in writing as to why disciplinary action should not be taken as per Rule 22 of the Service Rules of the Corporation. The appellant sent a reply dated 17.2.1978.

5. Thereafter on 11.4.1978 three articles of charge were served on the appellant. The charges were to the following effect:

6. Charge No.1 was to the effect that he had written a letter dated 3.6.1977 to the Governor of Karnataka pointing out mismanagement in the respondent-Corporation. Being an employee of the corporation he could not address the letter to the Governor without permission of the management. This amounted to violation of Rule 22 of the Service Rules of the corporation, since it was misconduct and knowingly doing something detrimental to the interests and the prestige of the corporation.

7. Charge No.2 was to the effect that the appellant had issued a statement in Samyukta Karnataka Kannada.