

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION NO. 32461 OF 2014

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ORDER:

The writ petitioner herein, while working as a Junior Assistant with Sri Bhadrakali Temple, Warangal, seems to have stayed away from duty from 07.05.2006 onwards without securing the necessary permission for his absence. It appears, the Trust Board has passed a resolution on 18.12.2006 requiring the petitioner to report to duty immediately. It also appears that a notice was also got published in a local newspaper issue dated 25.01.2007 requiring the petitioner to report to duty within one week of its publication. Since the petitioner has not reported to duty, the Executive Officer has passed orders removing the writ petitioner on 13.03.2007. It appears, the petitioner has preferred an appeal against the said orders on 12.12.2008 before the Trust Board challenging the correctness of the orders passed by the Executive Officer of the Temple on 13.03.2007. He has also approached this Court by instituting W.P.No.18785 of 2009, which was disposed of on 10.09.2009 with a direction to the Appellate Authority to deal with the appeal of the writ petitioner and pass appropriate orders thereon. The Trust Board accordingly took up the appeal of the writ petitioner for consideration and passed resolution no.2 on 15.10.2009 setting aside the orders of the Executive Officer and reinstated the petitioner to service imposing the punishment of withholding of two increments. It appears, the Executive Officer carried the matter in further appeal in terms and in accordance with Section 41 of the A.P. Charitable and Hindu Religious Institutions & Endowment Act, 1987. The Commissioner of Endowments entertaining the same passed orders through his proceedings Rc.No.C2/25075/2010 dated 01.11.2011 setting aside the orders passed by the Trust Board in their

Resolution No.2 and hence, the Executive Officer of the Temple is under no legal obligation to comply with the Resolution No.2 passed by the Trust Board on 15.10.2009. The present writ petition came to be instituted seeking a *Writ of Mandamus* to the fifth respondent, the Executive Officer of the Temple to consider the leave letter dated 24.03.2007 submitted by the petitioner along with the fitness certificate. The writ petition as prayed for cannot be issued. The fact remains that the Executive Officer has passed orders on 13.03.2007 terminating the employment of the writ petitioner as Junior Assistant of the Temple concerned. Once the said relationship of master and servant has been broken, the petitioner cannot submit a leave application and also seek consideration to such a leave application. So long as the orders passed by the Executive Officer dated 13.03.2007 are not interdicted, in a manner known to law, the said proceedings stare at the office of the writ petitioner. The consequence of the proceedings dated 13.03.2007 is that, it has brought about a change in the status of the writ petitioner. He ceases to be an employee of the temple and hence, the Executive Officer cannot entertain any application for grant of leave of absence to the writ petitioner any time after 13.03.2007. A person whose employment has already been brought to an end cannot seek his leave application to be considered by the employer once again. It is no doubt true that the appeal submitted by him as on 12.12.2008 has been considered favourably by the Trust Board on 15.10.2009 and ordered for his reinstatement without backwages, while simultaneously imposing the punishment of withholding two annual grade increments. But however, the said resolution dated 15.10.2009 has been set-aside by the Commissioner of Endowments on 01.11.2011, the validity of the orders passed by the Commissioner of Endowments dated 01.11.2011 was never put in issue. It has already attained finality, inasmuch as,

more than three years time has elapsed since these orders have been passed.

Therefore, the present writ petition is without any merit and it is accordingly dismissed at the admission stage after hearing the learned Government Pleader for Endowments as well as Sri C.H. Satish Kumar, learned Standing Counsel for the Temple.

Consequently, miscellaneous applications if any shall also stand dismissed. No costs.

JUSTICE NOOTY RAMAMOHANA RAO

19.01.2015
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