HON'BLE SRI JUSTICE CHALLA KODANDA RAM
WRIT PETITION No.18540 OF 2005

ORDER:-

The proceedings in Rc.No.E3/26006/04, dated 04.06.2004, issued by the 1st respondent, posting the 2nd respondent as an Executive Officer, Group of Temples, Devarampadu, is challenged by the Founder Trustee. While issuing *Rule nisi* this Court passed an elaborate order on 23.08.2005, which reads as under:-

> "The petitioner is founder trustee of Sri Venkateswara Swamy Temple, Devarampadu, Rajupalem Mandal, Guntur District. The said temple is part of the group temples of Devarampadu. One Mr. Akki Reddy was functioning as an Executive Officer of Devarampadu group temples. By the impugned proceedings dated 04.06.2004 Mr. Akki Reddy was transferred and one Mr. R. Suryanarayana, Manager of Group Temples, Phirangipuram was posted to be in full additional charge of Devarampadu group temples until further orders. The impugned order also directed Mr. R. Suryanarayana to take over complete charge of the post of Executive Officer of Devarampadu group temples, Devarampadu. The petitioner contends that Sri Venkateswara Swamy Temple, Devarampadu Rajupalem Mandal, is already contributing 15% of its annual income towards administrative costs to meet salary and other establishment charges under Section 65 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short 'the Act'); and that if it has to pay to Mr. R. Suryanarayana, Executive Officer, who has been appointed as full additional charge of Devarampadu group temples that would be an additional burden on its annual income in addition to its contribution. The petitioner apprehends that the appointment of Mr. R. Suryanarayana, Executive Officer of Devarampadu group temples, would entail an avoidable expenditure for the temple.
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> *Prima facie,* this apprehension of the petitioner does not seem well founded. This Court has already decided in *Shri Veerabhadra Swamy Temple, Bonthapally Vs. Comissioner, Endowments Department (2004) (3) ALT 44)* that when a person in management or a full additional charge executive officer is appointed under the provisions

> of Section 29(5)(d) of the Act, the liability is that of the State to pay the salary of such an appointee and not that of the temple. In view of the law declared, the petitioner need have no apprehension that the temple would have to pay salary. It is the respondent-State that is liable to pay the salary.
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> On the above analysis, this court finds no reason to suspend the impugned proceedings dated 04.06.2004. Accordingly, this miscellaneous petition is dismissed."

The reading of the above would leave no manner of doubt, this court refused to suspend the order. The learned counsel appearing for the 2nd respondent submits that the 2nd respondent has immediately joined the duty and he has been functioning since then. In that view of the matter, the relief which has been sought in the writ petition no longer survives.

Accordingly, the writ petition is dismissed as infructuous. Miscellaneous Petitions, if any pending, shall stand closed. There shall be no order as to costs.

JUSTICE CHALLA KODANDA RAM

Date:27.10.2015
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