

HON'BLE SRI JUSTICE R.KANTHA RAO

W.P.No.18641 of 2015

ORDER:

Heard learned counsel appearing for the petitioner, learned Government Pleader for Endowments appearing for respondents 1 and 2 and learned Standing Counsel appearing for respondent No.3.

This writ petition is filed seeking to declare the impugned proceedings dated 11.06.2015 issued by the 3rd respondent reverting the petitioner as Archaka from Mukya Archaka, as arbitrary and illegal.

Initially, the petitioner was appointed as Archaka in the 3rd respondent-temple in 1993 by the 2nd respondent. He passed the required examinations conducted by the Endowments Department and is eligible to be appointed as Mukya Archaka. Thereafter, the 3rd respondent promoted the petitioner as Mukya Archaka *vide* proceedings dated 1.6.2012. While so, on 9.5.2015 the Temple Authority lodged a complaint against the petitioner alleging that he attended for vehicle poojas by leaving aside devotees in the temple. Based on the said complaint, the 3rd respondent issued show cause notice dated 9.6.2015 as to why the promotion of the petitioner shall not be cancelled within

three days. The petitioner received the said notice on 10.06.2015 and the impugned proceedings were issued on 11.6.2015 by the 3rd respondent reverting him as Archaka.

Learned counsel appearing for the petitioner submits that even before the petitioner submitted his explanation, the impugned proceedings were issued without conducting any enquiry and hence, the same is liable to be set aside.

On scrutiny of the impugned order and the circumstances which led to issuance of show cause notice, it is obvious that sufficient opportunity ought to have been afforded by the Executive Officer to the petitioner to submit his explanation. In the instant case, no such opportunity was given to the petitioner.

Having regard to the facts and circumstances of the case, the impugned proceedings are set aside. However, the Executive Officer is at liberty to issue fresh show cause notice giving 15 days time to the petitioner to submit his explanation and pass appropriate orders, after conducting enquiry, as per rules.

Accordingly, the Writ Petition is disposed of. No costs.

As a sequel, Miscellaneous Applications, if any,

shall stand closed.

JUSTICE R.KANTHA RAO,J

24th June, 2015

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Note: Issue CC by two days.