THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.3733 of 2015

Dated : 09.12.2015

Between:

Lingambhotla Venkata Subrahmanya Badrinath Babu,
S/o.L.Lakshmi Narayana Murthy,
Aged about 53 yrs, Occu : Upa Pradhana Archaka,
Sri Durgamalleswara Swamyvarla Devasthanam,
Indrakeeladri, Vijayawada, Krishna District,
R/o.Vijayawada, Krishna District.

.. Petitioner

And

The State of Andhra Pradesh,
rep., by its Principal Secretary,
Department of Endowments,
A.P.-Secretariat, Hyderabad & 2 others.

.. Respondents

This Court made the following :

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.3733 of 2015

ORDER :

This writ petition is filed seeking direction for writ of mandamus declaring the action of the 1st & 2nd respondents in not appointing the petitioner to the post of Pradhana Archaka, in the 3rd respondent-Temple according to his seniority and eligibility, as illegal and unconstitutional and sought for consequential direction.

2. As it is brought to the notice of this Court that the interim order passed in W.P.M.P.No.1560 of 2015 in W.P.No.1199 of 2015, is coming in the way of consideration of petitioner for such promotion, Court directed to post W.P.No.1199 of 2015 along with this Writ Petition.

3. When the matters are taken up, learned counsel representing the petitioner in W.P.No.1199 of 2015 reported to the Court that petitioner in W.P.No.1199 of 2015 died on 22.08.2015 and requested time for taking steps to bring the L.Rs on record.

4. Counter affidavit filed in this writ petition discloses that there are three posts of Pradhana Archakas in the 3rd respondent-temple. According to the averments in the counter, though petitioner is eligible for promotion against one of the three posts of Pradhana Archaka, the petitioner is not considered in view of the interim orders passed by this Court in W.P.M.P.No.1560 of 2015 in W.P.No.1199 of 2015, filed by Sri L.Chandra Sekhar Sarma. It is also stated in the counter that as soon as the interim orders are vacated in W.P.M.P.No.1560 of 2015, proper steps would be taken to consider the claim of the petitioner herein, in accordance with the rules and procedure envisaged.

5. In W.P.No.1199 of 2015 the petitioner contended that he is entitled to continue in service even though, he attained the age of superannuation and that the notice issued on 06.01.2015 informing him that he would be retiring from service on 31.01.2015 is illegal. Considering the said submissions, this Court granted interim suspension of proceedings dated 06.01.2015. However, this Court directed that the petitioner shall be continued in service but is not entitled for monthly wages until further orders. Since the petitioner in W.P.No.1199 of 2015 died on 22.08.2015 the justification given earlier for non-consideration of the petitioner is no more available.

6. As seen from the material on record the petitioner was shown as 5th person among the persons who are entitled to be considered for appointment as Pradhana Archaka. The first person Sri L.Chandra Sekhar

Sarma, the petitioner in W.P.No.1199 of 2015 died on 22.08.2015. The Court is informed that L.Prabhakar Sarma also expired long ago. After the death of above two persons, four more persons are in service and Sri L. Durga Prasad and Sri K.V.K. Sundara Sarma are seniors to petitioner and the petitioner is third in the seniority.

7. According to the averments in the counter affidavit, there are three posts of Pradhana Archaka and in view of the demise of L.Chandra Sekhar Sarma, the petitioner now becomes the third person in the list of eligible persons for consideration for appointment as Pradhana Archaka.

8. In view of the same, this Writ Petition is disposed of directing the respondents to consider the entitlement of the petitioner for appointment as Pradhana Archaka including in the vacancy arising as a consequence to death of L.Chandra Sekhar Sarma, as per his seniority and eligibility as expeditiously as possible, preferably within a period of four (4) weeks from the date of receipt of copy of this order. It is made clear that Court has not expressed any opinion on interse seniority of Archakas. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

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P.NAVEEN RAO,J

09th December, 2015
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