

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH

WRIT PETITION NO.4695 OF 2005

Between:

G. Radhakrishna Murthy

.. Petitioner

and

Commissioner, Endowments Department,
Tilak Road, Boggulakunta, Hyderabad.

.. Respondent

DATE OF JUDGMENT PRONOUNCEMENT : 05th AUGUST,
2015

SUBMITTED FOR APPROVAL:

-
-
-

THE HON'BLE SRI JUSTICE SANJAY KUMAR

- | | | |
|----|--|--------|
| 1. | Whether Reporters of Local newspapers
may be allowed to see the judgment? | Yes/No |
| 2. | Whether the copies of judgment may be
marked to Law Reporters/Journals | Yes/No |

3. Whether Their Lordship wish to
see the fair copy of the judgment?

Yes/No

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.4695 OF 2005

ORDER

At the time of institution of this writ petition, the petitioner was a Senior Assistant and Manager in Sri Ramalingeswara Swamy Temple, Sithaphalmandi, Secunderabad. His grievance was as to the proceedings dated 28.02.2005 of the Commissioner of Endowments, Andhra Pradesh, Hyderabad, framing charges against him and placing him under suspension. The said proceedings were challenged on the ground that the Commissioner of Endowments, Andhra Pradesh, lacked jurisdiction to initiate disciplinary action against temple employees.

By order dated 22.06.2005, this Court granted interim suspension of the impugned proceedings dated 28.02.2005.

The issue as to whether the Commissioner of Endowments would have jurisdiction to initiate disciplinary action against temple employees is no longer *res integra*. In **N. RAVINDRA MURTHY V/s. SHRI VEERABHADRA SWAMY TEMPLE, BONTHUPALLY, MEDAK DISTRICT**^[1], a Full Bench of this Court answered this question in the negative and held as follows:

‘It is competent to the trustee/board of trustee or EO, as the case may be, to take disciplinary action against temple employees and temple employees discharging functions of EO in accordance with Office Holders and Servants Punishment Rules, 1987. If the trustee/board of trustee or EO fails to take such action including the action to suspend a temple employee pending enquiry, then

alone the Commissioner and/or department officers can take action.'

Admittedly, the petitioner, being a Senior Assistant in the temple, was asked to discharge the functions of an Executive Officer and thereafter, disciplinary action was sought to be taken against him through the office of the Commissioner of Endowments. It is not clear as to whether at that point of time the temple in question viz., Sri Ramalingeswara Swamy Temple, Sithaphalmandi, Secunderabad, had a board of trustees or a trustee. In any event, the question is rendered moot as it is now stated that an Executive Officer has been appointed for the said temple in the year 2014. Learned Government Pleader for Endowments informed this Court that by Memo dated 27.11.2009, the Commissioner of Endowments, Andhra Pradesh, Hyderabad, directed the Executive Authority of the temple to initiate disciplinary action against the petitioner. However, it appears that no steps were taken pursuant thereto. In the light of the stay granted by this Court, the Commissioner of Endowments, Andhra Pradesh, Hyderabad, also did not take further steps pursuant to the impugned proceedings dated 28.02.2005.

As the subject temple now has an Executive Officer, it is for him to initiate disciplinary action against the petitioner. Reserving liberty to the Executive Officer of Sri Ramalingeswara Swamy Temple, Sithaphalmandi, Secunderabad, to do so, the writ petition is disposed of setting aside the impugned proceedings dated 28.02.2005. Pending miscellaneous petitions shall stand closed in the light of this final order.

No order as to costs.

SANJAY KUMAR, J

05th AUGUST, 2015

Svv

[\[1\]](#) 2008(3) ALD 372