

HON'BLE SRI JUSTICE R.KANTHA RAO
W.P.No.21028 OF 2015

ORDER

This writ petition is filed seeking to declare the action of the 4th respondent in not permitting the petitioner to join duty as Senior Assistant and not paying salaries to him as arbitrary and illegal.

Initially, the petitioner was appointed as Clerk/Junior Assistant in Sri Agasteswara Swamy Temple, Pedatummidi, Krishna District, on 14.02.1992. In October, 2003, he was transferred to the 4th respondent temple. By proceedings dated 7.1.2005, the 2nd respondent regularized the services of the petitioner. As his mother-in-law fell sick, the petitioner applied leave from 16.11.2013 to 21.11.2013 and the said leave letter was handed over to the 4th respondent. During the said period, he was also hospitalized having suffered from Hepatitis-B and the doctors advised him to take complete bed rest and that the petitioner applied for extension of leave to the 4th respondent from time to time. While so, Manager of the 4th respondent asked the petitioner to submit medical certificate, failing which disciplinary action will be taken against him under Section 37 of the A.P.Act 30 of 1987 and the petitioner submitted his

explanation along with the medical certificate. Again the petitioner applied leave along with medical certificate. But the Manager of the 4th respondent refused to receive the same. Hence, the petitioner submitted a representation dated 16.04.2014 to the 4th respondent and the same was returned. Though the petitioner has been submitting joining report periodically, the respondents have been returning the same with endorsement 'refused'. Hence, the present writ petition.

Counter-affidavit has been filed on behalf of the 4th respondent, wherein it is stated that the promotion of the petitioner as Senior Assistant is contrary to the rules framed under G.O.Ms.No.888, dated 8.12.2000. Initially, the petitioner has applied for leave from 16.11.2013 to 21.11.2013, and sought extension of leave till 14.03.2014. Thereafter, the petitioner has not sought extension from 14.3.2014 and abstained from attending duty. The petitioner has neither reported to the parent institution nor the 4th respondent temple. However, the petitioner submitted several representations to the Executive Officer seeking extension of leave. According to the respondent, the Executive Officer sent a letter dated 8.8.2013 to the Deputy Commissioner, Endowments Department, Kakinada to transfer the petitioner back to his parent

institution as he is not attending the duties regularly. Again, letter dated 6.8.2013 was sent stating that the promotion of the petitioner as Senior Assistant is made contrary to the Rules framed under G.O.Ms.No.888 and asking to revert the petitioner to the post of clerk and to deduct the excess salary paid to him from 7.11.2009 to 1.4.2013.

Now the question that needs to be considered is as to whether the promotion of the petitioner to the post of Senior Assistant is illegal and whether the petitioner is directed to be repatriated to the parent department.

Learned counsel appearing for the petitioner submits that though the petitioner submitted joining report after expiry of his leave, he was not permitted to do so. He further submits that the petitioner submitted a representation dated 30.05.2015 to the Deputy Commissioner of Endowments to permit him to join duty and pay salary for the leave period.

It is the contention of the respondents that the petitioner was absconding from duties without attending the duties.

In any event, the respondents ought to have passed appropriate orders on the representation of the petitioner instead of returning the joining report with the endorsement 'refused'.

In the above circumstances, the Writ Petition is

disposed of directing the Deputy Commissioner, Endowments, to pass appropriate orders on the representation submitted by the petitioner on 30.05.2015, within a period of eight weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

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

JUSTICE R.KANTHA RAO

06th August, 2015

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