

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION No.41148 OF 2014

ORDER:

Sri V.S.K.Rama Rao, learned counsel for the petitioner would point out that the orders passed by the Commissioner of Endowments Department on 12.11.2014 while repatriating the petitioner back to his parent unit, has proceeded further by directing the Executive Officer of the parent institution to initiate disciplinary proceedings against the petitioner and also placed the petitioner under suspension. Sri V.S.K.Rama Rao, learned counsel for the petitioner, would point out that the Commissioner of Endowments has no power or jurisdiction to place an employee of a temple under suspension and it is only the competent authority or at best the appointing authority concerned can do so.

There is no gain saying that the Commissioner of Endowments can only exercise supervisory jurisdiction and can not exercise disciplinary control over the employees of various temples. While passing the impugned order, it appears, the Commissioner has not carefully verified the copy of the order, in fact if care has been taken, the expression used "placed" would have appropriately been corrected as "place". For this typographical error that occasioned in the impugned order, the petitioner should not be permitted to take a massive advantage out of it. The Commissioner in fact did not place the writ petitioner under suspension. She merely directed the competent authority to place the petitioner under suspension.

Sri V.S.K.Rama Rao, learned counsel for the petitioner, would submit that even the charges framed against the petitioner are so ambiguous that the Commissioner of Endowments has not even bothered to verify the official record. The Commissioner of Endowments through proceedings dated 14.05.2013 transferred the writ petitioner from Group Temples, Penamaluru, Krishna District to Sri Challam Raju Venkata Seshaiyah Choultry, Vijayawada. Thus, it is on or after 14.05.2013, the petitioner has been authorized to act as a Manager of Sri Challam Raju Venkata Seshaiyah Choultry, Vijayawada, whereas the previous Manager who has failed to renew the FDRs, which have matured on 04.10.2008 and 27.09.2007 has not been proceeded but the petitioner is sought to be penalized.

Learned counsel is thoroughly justified in his criticism that prior to 14.05.2013 the petitioner has very little control over the affairs of the Sri Challam Raju Venkata Seshiah Choultry and if the F.D.R. which has matured on 27.09.2007 or on 04.10.2008 and if the same has not been renewed promptly, it is not the petitioner who can be held accountable. But however he has to necessarily account for his failure to take remedial steps from 14.05.2013 at least.

Therefore, I do not find any grave error on the part of the Commissioner in passing the impugned order. But I am sure as and when the writ petitioner submits his detailed explanation with regard to the each of the allegations thrown against him, the same will be given very objective consideration and appropriate action would be initiated against the responsible.

Let this exercise be completed as expeditiously as possible within a period of three (3) months from the date of receipt of a copy of this order.

With this, the writ petition stands disposed of. No order as to costs.

All the miscellaneous petitions pending in this writ petition shall stand closed.

JUSTICE NOOTY RAMAMOHANA RAO

31.03.2015
Ksp