

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition Nos. 19143 of 2013 and 32894 of 2014

Common Order:

These two Writ Petitions are being disposed of by this common order as they relate to the *inter se* claim of the petitioners to the post of Assistant Executive Officer in Sri Kanaka Mahalakshmi Ammavari Temple, Visakhapatnam.

2. The petitioner in WP No.19143 of 2013 filed the Writ Petition challenging the orders dated 19.03.2005 of the second respondent and for a consequential direction to promote the petitioner as Assistant Executive Officer in the vacancy caused due to retirement of one Sri B. Gopichand.

3. This Court, while admitting the said Writ Petition on 08.07.2013, granted interim direction to consider the representation of the petitioner dated 16.06.2013, in pursuance of which an order was passed on 15.10.2014, temporarily promoting the petitioner to the cadre of Assistant Executive Officer in the vacancy caused due to retirement of the said B. Gopichand.

4. That order dated 15.10.2014 was challenged by the petitioner in WP No.32894 of 2014.

5. Learned counsel for the petitioners raised several contentions and ultimately brought to the notice of this Court the averments in the counter affidavit filed by the present Executive Officer, who is the competent authority, in WP No.32894 of 2014, wherein it was stated that pursuant to the proceedings of the Commissioner, Endowments Department, dated 04.05.2015, directing examination of the representation of the petitioner in WP No.32894 of 2014 and reviewing

the earlier orders. It was stated that she sent a detailed report on 12.05.2015 stating that the petitioner in WP No.32894 of 2014 may be permitted to be promoted as Assistant Executive Officer subject to result of the present Writ Petitions.

6. It is not disputed that the Executive Officer is the competent authority and the order of the Commissioner dated 04.05.2015 reads as follows.

“Hence the Executive Officer, Sri Kanaka Mahalakshmi Ammavari Temple, Visakhapatnam is directed to examine the representation dated 15.07.2013 of Sri Puli Rama Rao, Superintendent of the subject devasthanam (copy enclosed) on the above grounds for promotion to the cadre of Assistant Executive Officer, since at both Senior Assistant and Superintendent levels he was promoted earlier, from the date of vacancy of Assistant Executive Officer caused due to retirement of Sri B. Gopichand, A.E.O., in the establishment of the subject devasthanam as there is force in his claim. There may be a need to review the earlier orders subject to the outcome of the court cases pending in this regard.”

7. Learned counsel on either side vehemently argued several contentious issues on facts. However, in view of the direction of the Commissioner, Endowments Department, Hyderabad, and in view of the fact that the Executive Officer of the Temple being the competent authority, this Court is not inclined to go into the merits of the case, but remands the case to the Executive Officer of Sri Kanaka Mahalakshmi Ammavari Temple, Visakhapatnam, for review of the order dated 15.10.2014, passed in favour of the petitioner in WP No.19143 of 2013, after hearing the petitioners in both the cases, and pass appropriate orders in accordance with law within a period of four (4) weeks from the date of receipt of a copy of this order. Till the Executive Officer of the said Temple passes an order, the order dated 15.10.2014 shall be in operation.

8. Both the Writ Petitions are, accordingly, disposed of. There shall be no order as to costs.

9. As a sequel thereto, the miscellaneous applications, if any, pending in these two Writ Petitions shall stand closed.

A.
Date: 09.06.2016

RAMALINGESWARA RAO, J

Note:
Office to despatch the copy of the order
within one week from today.
(B/O)
Nsr