

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION No.30401 of 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking a writ of mandamus declaring the order in Rc.No.E/2231/2016, dated 26.7.2016 of the third respondent and consequential proceedings in Rc.No.SVGSD/MR/2016-D, dated 31.8.2016 of the fourth respondent, as illegal and arbitrary.

2. Heard the learned counsel for the petitioner, learned Government Pleader for Endowments (Telangana) representing respondent Nos.1 to 3 and learned Standing Counsel for fourth respondent.

3. The petitioner claims that he has been performing 'Archakatwam' in Sri Venugopala Swamy Devasthanam, Manchirevula Village, Rajendranagar Mandal, Ranga Reddy District (Temple) since long time. The third respondent is the Assistant Commissioner, Endowments Department, Ranga Reddy District. The fourth respondent is the Executive Officer of the Temple. It is the case of the petitioner that the third respondent by proceedings dated 26.7.2016, directed the fourth respondent to issue retirement notice to the petitioner and report compliance. The fourth respondent, in turn, issued the proceedings dated 31.8.2016 directing the petitioner to hand-over charge to the Archaka appointed by the Endowments Department, on or before 15.9.2016.

4. The contention of learned counsel for the petitioner is that no show cause notice was issued to the petitioner before directing him to hand-over charge. The fact remains that the petitioner has been performing 'Archakatwam' in the Temple. A perusal of the record reveals that prior to passing the impugned orders no show cause notice was issued to the petitioner. It is needless to say that principles of natural justice require the competent authority to issue notice to the affected party before passing any orders, more particularly, termination orders.

5. At the time of the arguments, learned Government Pleader and learned Standing Counsel submitted that the notice dated 31.8.2016 issued by the fourth respondent may be treated as show cause notice. The learned counsel for the petitioner, while accepting the same, submitted that some time may be granted to the petitioner to submit his explanation.

6. In view of the submissions made by the learned counsel for both the parties, without going into the merits of the main case, the petitioner is hereby directed to submit his explanation to the third respondent on or before 28.9.2016. The third respondent shall consider the same and pass appropriate orders, in accordance with law, within a period of four (4) weeks from the date of receipt of the explanation of the petitioner. The respondent Nos.3 and 4 are further directed not to take any coercive steps against the petitioner till passing of the orders by the third respondent.

7. With the above directions, the writ petition is disposed of. Miscellaneous petitions, if any pending in this writ petition shall stand closed.

T.SUNIL CHOWDARY, J

September 08, 2016.
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