

*IN THE HIGH COURT OF JUDICATURE AT
HYDERABAD*

*FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH*

WRIT PETITION No.21142 of 2016

Between:

T.Somaiah,
S/o Late T.Ramulu

... Petitioner

And

The State of Telangana, repled by its
Secretary, Revenue (Endowments-I)
Department, Hyderabad and three others.

...

Respondents

JUDGMENT PRONOUNCED ON 30.6.2016

**HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND**

HON'BLE SRI JUSTICE G.SHYAM PRASAD

1. Whether Reporters of Local newspapers : Yes/No
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 Ladyship/Lordship wish to
see the fair copy of the Judgment? :
Yes/No

JUSTICE C.V.NAGARJUNA REDDY

JUSTICE G.SHYAM PRASAD
HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND

HON'BLE SRI JUSTICE G.SHYAM PRASAD

WRIT PETITION No.21142 of 2016

% 30.6.2016

Between:

T.Somaiah,
S/o Late T.Ramulu

..... **Petitioner**

And:

\$ The State of Telangana, repled by its
Secretary, Revenue (Endowments-I)
Department, Hyderabad and three others.

.....**Respondents**

< Gist:

> Head Note:

! Counsel for the Petitioner: Mr. P.Giri Krishna

^ Counsel for the Respondent Nos.1 to 3: GP for Services
(AP)

? Cases Referred:

1. AIR 1966 SC 671
2. AIR 1990 SC 1984
3. (2000) 7 SCC 668
4. (2004) 1 SCC 547
5. (2010) 2 SCC 497

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

AND

HON'BLE SRI JUSTICE G.SHYAM PRASAD

WRIT PETITION No.21142 of 2016

Date:30.6.2016

Between:

T.Somaiah,

S/o Late T.Ramulu

.....Petitioner

And:

The State of Telangana, repled by its
Secretary, Revenue (Endowments-I)
Department, Hyderabad and three others.

....Respondents

Counsel for the petitioner: Mr. P.Giri Krishna

Counsel for Respondent Nos.1 to 3: GP for Services (TS)

The Court made the following:

ORDER: *(per Hon'ble Sri Justice C.V.Nagarjuna Reddy)*

The applicant in O.A.No.160 of 2016 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad (for short 'the Tribunal') filed this Writ Petition feeling aggrieved by denial of interim relief to him pending the said O.A.

Mr. P.Giri Krishna, learned counsel for the petitioner, submitted that respondent No.1 had no legislative competence to insert Note No.2 to Rule-3 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Service Rules, 2002 (Telangana Adaptation) Order, 2016 as any addition to the Rules, other than adoption of the existing Rules, could be done by the plenary legislation and not through the delegated legislation. He has placed before us the interlocutory order passed by a Division Bench of this

Court in Writ Petition No.937 of 2016 and PIL (SR).No.2029 of 2016 in support of the above-noted legal proposition.

At this stage, we do not propose to examine the request of the petitioner for grant of interim relief for the reason that all his pleas for granting such relief ought to be considered by the Tribunal by passing a speaking order.

A perusal of the impugned order shows that the Tribunal was not inclined to grant interim relief to the petitioner pending the Original Application and instead, it observed that any future promotions to be made in pursuance of the impugned (amended) rule shall be subject to the final result of the Original Application. It is implied from the purport of this order that the Tribunal declined the interim relief sought by the petitioner pending the O.A.

It is an inviolable legal principle that whenever a quasi judicial forum passes an order denying the relief, whether interim or final, the order must be supported by reasons as they constitute the heart and soul of an order.

(See: ***M.P.Industries Limited v. Union of India***^[1], ***S.N. Mukherjee v. Union of India***^[2], ***Charan Singh v. Healing Touch Hospital***^[3], ***State of Punjab v. Bagh Singh***^[4]).

In ***G.Vallikumari V. Andhra Education Society***^[5], the Supreme Court held that the requirement of giving reasons by every quasi judicial or even administrative authority entrusted with the task of passing orders adversely affecting an individual and communication thereof to the affected person is one of the recognized facets of the rules of natural justice and violation thereof has the effect of vitiating the order passed by the authority concerned.

The reasoned order serves the following purposes:

- (i) It eliminates the subjectivity;
- (ii) It enables the party suffering the order to know the reasons for the forum to pass such order; and
- (iii) It facilitates the superior court to appreciate the reasons and decide the case in an effective manner.

As no reasons have been mentioned by the Tribunal in the impugned order, the same is set aside. The matter is remanded to the Tribunal for passing a speaking order, after hearing both parties, on the interlocutory relief claimed by the petitioner, within four weeks from the date of receipt of a copy of this order.

Subject to the above, the Writ Petition is allowed.

As a sequel to disposal of the Writ Petition, WPMP.No.25920 of 2016 filed by the petitioner for interim relief is disposed of as infructuous.

*JUSTICE C.V.NAGARJUNA
REDDY*

JUSTICE G.SHYAM PRASAD

30th June 2016

Note:

LR copies to be marked.

B/o

DR

[\[1\]](#) AIR 1966 SC 671

[\[2\]](#) AIR 1990 SC 1984

[\[3\]](#) (2000) 7 SCC 668

[\[4\]](#) (2004) 1 SCC 547

[\[5\]](#) (2010) 2 SCC 497