

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

THE HON'BLE SRI JUSTICE G. SHYAM PRASAD

WRIT APPEAL No. 1241 of 2016

JUDGMENT: (*Per VRS,J*)

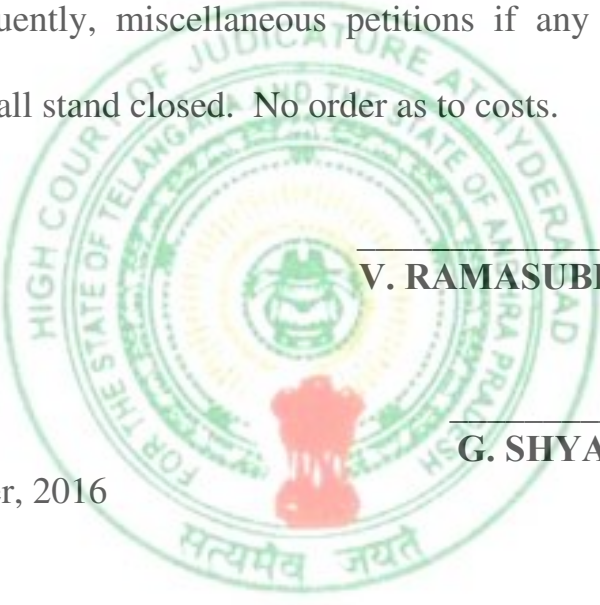
Challenging an order of cancellation of appointment as Vrata Purohit Grade-II in a Temple, the 1st respondent in this writ appeal filed a writ petition. While ordering notice in the writ petition, a learned Judge of this Court granted an interim suspension of the order of cancellation of appointment. Challenging the said order, the Devasthanam represented by its Executive Officer is before us.

2. Heard Smt. K. Lalitha, learned counsel for the appellant. Mr. P.S. Raja Sekhar, learned counsel, takes notice for the 1st respondent/writ petitioner.

3. At the outset, we cannot entertain a writ appeal against an *ex parte* interim order. The interim order passed by the learned Judge appears to have been granted at the time of admission. Therefore, the normal rule is that the Devasthanam should go before the learned Judge seeking vacation of the interim order.

4. However, in this case, one fact brought to our notice is that admittedly, the 1st respondent was appointed in the place of his father. His father has, subsequently, challenged his removal from the post and he has also obtained an interim suspension of the order of his removal. Two persons cannot work in the same post. Therefore, the Writ Appeal is disposed of, confirming the order of the learned Judge, subject to the condition that the 1st respondent-son is able to convince his father to withdraw his writ petition against his removal.

Consequently, miscellaneous petitions if any pending in the writ appeal shall stand closed. No order as to costs.



V. RAMASUBRAMANIAN, J

G. SHYAM PRASAD, J

22nd November, 2016
cbs



THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN ✓
AND
THE HON'BLE SRI JUSTICE G. SHYAM PRASAD



Writ Appeal No. 1241 of 2016
(Per VRS,J)

22nd November, 2016

cbs