

**THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN**

**AND**

**THE HON'BLE DR JUSTICE SHAMEEM AKTHER**

**Writ Appeal No.201 of 2017**

**JUDGMENT:** (Per the Hon'ble the Acting Chief Justice Ramesh Ranganathan)

This appeal, under Clause 15 of the Letters Patent, is preferred against the order passed by the Learned Single Judge in W.P.M.P.No.1384 of 2017 in W.P.No.1247 of 2017 dated 06.01.2017. Respondents 1 to 3 herein filed W.P.No.1247 of 2017 to declare the order dated 20.12.2016, passed in Revision Petition No.1 of 2014 by the Regional Joint Commissioner, as illegal, arbitrary and violative of Articles 14 and 21 of the Constitution of India.

Revision Petition No.1 of 2014 was filed by the appellant herein, aggrieved by the order passed by the Executive Officer dated 14.03.2009 whereby, in addition to the appellant, respondents 2 and 3 herein were also held entitled to render Archakatvam service on rotation basis, i.e each for one month, and to equal shares in the festival days of the Radha Yatra. This order continued to remain in force till Revision Petition No.1 of 2014 was disposed of by order dated 20.12.2016 whereby the order dated 14.03.2009, passed by the Executive Officer, was set aside, and the appellant herein was held entitled to solely work as an Archaka on compassionate grounds as per the earlier order dated 29.05.2004. The Regional Joint Commissioner, taking note of the allegation that the appellant was not looking after the welfare of his mother, directed the Executive Officer to deduct 25% of the gross salary and to remit the same to his mother towards maintenance till her death, as he cannot escape from his statutory responsibility.

While submissions were made on merits by Sri N.Guru Gopal, learned counsel for the appellant (5<sup>th</sup> respondent in the writ petition), the fact remains that the arrangement, pursuant to the order of the Executive Officer dated 14.03.2009, continued to operate for seven long years till an order was passed by the Regional Joint Commissioner in Revision Petition No.1 of 2014 dated 20.12.2016. The effect of the order of the Learned Single Judge is to restore the position as it existed prior to the order in Revision Petition No.1 of 2014 dated 20.12.2016 which, in effect, has resulted in the order issued by the Executive Officer on 14.03.2009 continuing to remain in force.

As the order of the Executive Officer dated 14.03.2009 continued to remain in force for more than 7½ years till it was set aside by order dated 20.12.2016, and as the validity of the said order is under examination in W.P.No.1247 of 2017, we see no reason to interfere with the order passed by the Learned Single Judge. Suspending the order of the Learned Single Judge would result in implementation of the order passed in Revision Petition No.1 of 2014 dated 20.12.2016, even during the pendency of the Writ Petition, though the order of the Executive Officer dated 14.03.2009 continued to remain in force for a period of more than 7 ½ years. Since, however, this appeal is preferred against an interlocutory order passed by the Learned Single Judge, it is made clear that the Learned Single Judge, while considering the vacate stay petition filed by the Endowments Department, shall decide the said application on its own merits uninfluenced by any observations made in this order.

The Writ Appeal fails and is, accordingly, dismissed.  
Miscellaneous Petitions pending, if any, shall also stand disposed of.  
There shall be no order as to costs.

---

**(RAMESH RANGANATHAN, ACJ)**

---

**(DR. SHAMEEM AKTHER, J)**

17<sup>th</sup> February, 2017  
JSU



**THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN  
AND  
THE HON'BLE DR JUSTICE SHAMEEM AKTHER**



**Writ Appeal No.201 of 2017**

**Date: 17.02.2017**

**JSU**