

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.No.14349 of 2016

ORDER

Heard learned counsel appearing for the petitioners and learned Standing Counsel for Wakf Board appearing for the 2nd respondent.

The petitioners 1 and 2 along with four others were appointed as joint Muthawallis of Wakf Institution viz., Dargah Hazrath Syed Baji Shaheed Aulia (RH), situated at Peddakakani Village and Mandal, Guntur District, by the 2nd respondent. An enquiry was ordered against all the Muthawallis and all of them were suspended *vide* proceedings dated 11.4.2014. The Inspector, Auditor Wakfs, Guntur, was directed to take the institution under his direct control. An enquiry Officer was appointed on 1.5.2014 and he was directed to conduct a detailed enquiry and submit a report to the 2nd respondent-Wakf Board. Pending enquiry and suspension, the petitioners filed W.P.No.20990 of 2014 challenging the proceedings dated 11.4.2014 & 1.5.2014, and this Court granted interim direction on 25.7.2014.

It appears that the petitioners already filed WP No.22104 of 2015 and the same was disposed of on 24.7.2015 directing the

enquiry officer to conclude the enquiry within a period of thirty days. In spite of the said order, the petitioners filed WP No.32283 of 2016 seeking stay of further proceedings of the enquiry officer and this Court by order dated 27.09.2016 directed the 3rd respondent therein to continue the enquiry, and however, till further orders from the Court, the 3rd respondent was directed not to submit the final report to the 2nd respondent. As a result of the said order, though enquiry was concluded, the final report was not submitted and taking advantage of that situation, the present writ petition is filed stating that in the writ petition filed by four other Muthawallis, an interim order was granted on 20.4.2016 directing reinstatement of the petitioners therein.

But, now it is brought to the notice of this Court that W.V.M.P.No.2271 of 2016 was filed to vacate the interim order granted on 20.04.2016 in W.P.M.P.No.11033 of 2016 in W.P.No.8707 of 2016, the same was allowed on 7.4.2017 and the writ petition was posted for final hearing in the due course.

Challenging the said order, W.A.No.775 of 2017 was filed and though the Division Bench was not inclined to interfere with the same, W.P.No.8707 of 2016 itself was disposed of.

However, on 26.04.2016, this Court in WPMP No.17881 of 2016 granted direction to the Wakf Board to reinstate the petitioners and such reinstatement shall be subject to the result of the enquiry. Pursuant to the same, it appears that the 2nd respondent passed order on 26.10.2016 reinstating the 1st petitioner into service subject to the result in W.V.M.P.No.2246 of 2016 and result of the enquiry pending against Muthawallies. Now W.V.M.P.No.2246 of 2016 is taken up along with the writ petition.

It is evident that in view of pendency of W.P.No.32283 of 2016, though enquiry was completed, the enquiry officer could not submit his report.

Now, the present writ petition is filed challenging the action of the respondents in continuing the suspension of the petitioners.

The petitioners themselves are responsible for such continuance in view of pendency of W.P.No.32283 of 2016. Therefore, unless W.P.No.32283 of 2016 is disposed of, it cannot be held that suspension of the petitioners is bad in law. This Court sees no reason to interfere with the action of the respondents in continuing the suspension of the petitioners.

Accordingly, the writ petition is dismissed. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE A.RAMALINGESWARA RAO

5th September, 2017
rkk

