

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WP.No.29899 of 2017

ORDER:

This writ petition is filed seeking writ of mandamus by setting aside the impugned order of the 2nd respondent vide proceedings in A3/2315/2016-4, dated 24.08.2017 as it is illegal and arbitrary.

Heard learned counsel for the petitioner and learned Government Pleader for Services.

Learned counsel for the petitioner states that petitioner is not responsible for collection of rents and as per Section 29(3)(b) of the Endowments Act, Executive Officer is responsible for proper collection of the income and expenditure of the temple. He submits that the petitioner worked only for five months and that leaving all other Assistant Commissioners, petitioner is made scapegoat and present charge memo issued only to deny him promotion. He submits that petitioner is not responsible for collection of rents as per the provisions of the Act and Rules, as such, he cannot be charge sheeted as he has no role to play.

On the other hand, learned Government Pleader for services submits that it is only a charge memo and that petitioner can file his reply to the same and at this stage, no interference is called for.

Ordinarily this Court will not interfere at the stage unless it is without jurisdiction. Admittedly, it is not the case of the

petitioner that the 2nd respondent has no jurisdiction to issue the impugned charge memo.

Having regard to the facts and circumstances of the case, it is open for the petitioner to prosecute all these facts in reply to the charge memo and the 2nd respondent is obligated to consider the objections raised by the petitioner and take further decision. Since learned counsel for the petitioner states that the petitioner is under the verge of retirement and lost promotion, the 2nd respondent is directed to conclude the disciplinary proceedings, within a period of two months from the date of receipt of a copy of this order.

With the above direction, this writ petition is disposed of. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending in this writ petition shall stand closed.

A.RAJASHEKER REDDY, J

21.09.2017
tk.

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WP No.29899 of 2017



Date: 21.09.2017

tk