

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
THE HON'BLE SRI JUSTICE GUDI SEVA SHYAM PRASAD

WRIT PETITION No.15715 of 2015
and
WRIT APPEAL No.1294 of 2017

07.09.2017

W.P.No.15715 of 2015:

Between:

P.V.V.Satya Kumar

..Petitioner

and

The State of Andhra Pradesh,
represented by its Principal Secretary,
Revenue (Endowments) Department,
Hyderabad and others

..Respondents

Counsel for the petitioner: Mr.V.V.Satish

Counsel for respondent Nos.1 to 3: Government Pleader for
Endowments (AP)

Counsel for respondent No.4: Mr.D.V.Sasidhar for Mrs.K.Lalitha,
Standing Counsel for Cocanada Annadana Samajam

W.A.No.1294 of 2017:

Between:

Cocanada Annadana Samajam, Kakinada

..Appellant

And

P.V.V.Satya Kumar and others

..Respondents

Counsel for the appellant: Mr.D.V.Sasidhar for Mrs.K.Lalitha,
Standing Counsel for Cocanada Annadana Samajam

Counsel for respondent No.1: Mr.V.V.Satish

Counsel for respondent Nos.2 to 4: Government Pleader for
Endowments (AP)

The Court made the following:

COMMON JUDGMENT: (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

Though the writ appeal arises out of the order, whereby the learned Single Judge, has declined to vacate the interim order passed in the writ petition pending disposal thereof, we have persuaded the learned counsel for both the parties for disposal of the writ petition along with the writ appeal having regard to the nature of the dispute.

2. For convenience, the parties are hereinafter referred to as they are arrayed in the writ appeal.

3. We have heard Mr.D.V.Sasidhar, learned counsel representing Mrs.K.Lalitha, learned standing counsel for the appellant choultry, Mr.V.V.Satish, learned counsel for respondent No.1 and the learned Government Pleader for Endowments (A.P.) for respondent Nos.2 to 4.

4. The appellant - Cocanada Annadana Samajam, represented by its Executive Officer, East Godavari District, Kakinada, is stated to be an ancient choultry, which was established for feeding students, poor and beggars. We are informed that the appellant choultry, having regard to its income, is classified as Category-A institution. Obviously moved by the pathetic situation prevailing in the choultry, respondent No.4 issued proceedings in Rc.No.A1/6512015, Adm, dated 30.01.2015, revising the cadre strength, as per which, the post of Superintendent, which was manned by respondent No.1, was abolished apart from abolishing the posts of two Attenders, one Cook and one Sweeper. While we understand the genuine intention of respondent No.4 in undertaking the above mentioned measure with a view to save the income of the choultry and spend the same on the intended beneficiaries, the means followed by him to meet the avowed end appears to be legally defective, in that, it is

admitted by the learned counsel for the respondents that the jurisdiction to revise the cadre strength lies with respondent No.3 and not with respondent No.4. Further, as abolition of the post of Superintendent involves reversion of respondent No.1 to the post of Senior Assistant, he was entitled to be heard. Admittedly, respondent No.4 has not issued any notice to respondent No.1. Thus, we find merit in the plea of respondent No.1 that impugned proceeding, dated 30.01.2015, is in violation of the principles of natural justice.

5. For the aforementioned reasons, proceeding, dated 30.01.2015, of respondent No.4 and consequential proceeding, dated 05.03.2015, of the appellant are set aside. Respondent No.3 is directed to initiate appropriate proceedings for examining the aspect as to whether re-fixation of cadre strength of the appellant choultry requires revision. If respondent No.3 is satisfied that such revision is needed, he shall issue notice to respondent No.1 and all other employees whose interests may be affected by such re-fixation; after considering their explanations, if any, he shall take appropriate decision and communicate the same to respondent No.1 and other employees, who may be affected by his decision. Needless to observe that till the aforementioned process is completed by respondent No.3, respondent No.1 is entitled to function as Superintendent.

6. Subject to the above directions, the Writ Petition is allowed and the Writ Appeal is disposed of.

7. As a sequel to allowing the writ petition and disposing of the writ appeal, W.P.M.P.No.20454 of 2015 in W.P.No.15715 of 2015 is disposed of and W.P.M.P.Nos.2387 and 37900 of 2016 in W.P.No.15715 of 2015

and W.A.M.P.No.2365 of 2017 in W.A.No.1294 of 2017 shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

GUDI SEVA SHYAM PRASAD, J

07th September, 2017
GHN

