

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 10366 of 2010

Date :7 .11.2017

Between :

S K Dasthagiri S/o late S K Chand  
31 years  
R/o Yadagirigutta, Nalgonda

Petitioner

And

The Govt of A P  
Rep by its Principal Secretary,  
Revenue (Endowments)  
Secretariat, Hyderabad and others

Respondents

The Court made the following:



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ORAL ORDER:

Father of petitioner while working as Scavenger in Sri Lakshminarasimha Swamy Devasthanam, Yadagirigutta died on 14.6.2002. It appears, wife of the deceased employee submitted application to provide employment to her or her son/petitioner in the respondent temple services on compassionate grounds. However, said request was negated by the second respondent on the ground that she was not professing Hindu religion according to Rule 3 of the Rules notified vide G O Ms.No. 888 dated 8.12.2000. She again submitted representation to reconsider the request to appoint her son under scheme of compassionate appointment. This issue was considered by the Government and Government granted relaxation on the restriction imposed in Rule 3 of the Rules to provide employment to petitioner vide G.O.Rt No. 1897 dated 3.9.2007. Alleging inaction on the Government orders and not providing employment to petitioner, this writ petition is filed.

2. On elaborate consideration of the matter, learned single Judge of this Court by interim order dated 24.1.2011 in WPMP No. 13294 of 2010 directed consideration of appointment of the petitioner as Sweeper/Scavenger and to pass appropriate orders keeping in view the orders of the Government in G.O.Rt No. 1897 dated 3.9.2007. Challenging the said interim order, respondent Devasthanam preferred W.A. No. 1169 of 2012. By the time writ appeal came up for consideration, the Division Bench was informed that the order of the learned single Judge was already implemented and petitioner was appointed vide proceedings dated 27.6.2012. In view of the same, writ appeal was disposed of.

3. As noted above, interim order of this Court dated 24.1.2011 was implemented and petitioner was appointed on 27.6.2012. In view of

the same, prayer sought by the petitioner is now granted. At this stage, learned standing counsel for respondent Temple submits that petitioner was appointed only because of the interim order and that petitioner could not have been appointed but for the interim order. He further sought to contend that on verification of the records, it was noticed that there is discrepancy in the age of the petitioner.

4. However, it is to be noted that the Government in exercise of powers vested by the Endowments Act and the Rules made therein relaxed the rigor not to consider the provision of employment to persons who do not preach Hindu religion, in Hindu temples, enabling appointment of petitioner on compassionate grounds. This order of the Government granting relaxation is not under challenge and the said decision of the Government is binding on the respondent temple. The respondent temple has no option but to comply with the relaxation and to provide employment to petitioner. The interim order passed by this Court is to give effect to the decision of the Government which was now implemented. As regards the dispute of age of the petitioner, the Court is not expressing any opinion, as it is not the subject matter of the writ petition. However, it is needless to observe that if respondent temple has any objection regarding eligibility of the petitioner otherwise than the issue of non-Hindu being appointed to temple services, it is always open to respondent authorities to take appropriate action as warranted by law.

5. In view of the implementation of the orders pursuant to interim orders, no further orders are required to be passed in this writ petition. Accordingly, the writ petition is disposed of. No costs. Having regard to the same, miscellaneous petitions, if any pending, are closed.

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P NAVEEN RAO,J

DATE: 7.11.2017  
TVK

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