

HON'BLE SRI JUSTICE SURESH KUMAR KAIT

CIVIL REVISION PETITION No.4921 of 2017

ORDER : (Oral)

Vide the present petition, petitioner has assailed the order dated 07.07.2017 passed in I.A.No.882 of 2016 in S.O.P.No.909 of 2016 by the III Additional District Judge, Guntur, whereby, the I.A. filed by the petitioner has been dismissed.

2. It is submitted by the counsel for petitioner that initially, respondent No.1 was appointed as Parish Pastor by respondent No.5, and thereafter, his services were extended till 31st May 2017. Though the tenure for the post of Parish Pastor was for 4 years, however, Executive Council of A.E.L.C. has extended it upto 31st May 2017, illegally. Be that as it may, said term has already been over and there is no further extension till date, as stated in the petition.

3. Learned counsel appearing on behalf of respondents submits that the 1st respondent was initially appointed in the year 2012 for 4 years. Thereafter, the tenure was extended upto 31st May 2017. Thereafter, on 22nd May 2017, another extension for one year was made. Thus, his position as Parish Pastor is not illegal or contrary to the Constitution. However, the further extension vide resolution dated 22nd May 2017 has been disputed by the counsel for the petitioner and

submits that the said resolution is ante-dated, has been passed just to accommodate respondent No.1 for another one year.

4. I have heard learned counsel for the parties at length.

5. It is not in dispute that respondent No.1 was appointed as Parish Pastor in the year 2012 for 4 years. Thereafter, one year term was extended upto 31st May 2017. As stated by the counsel for the respondents, another extension for one year has been extended vide resolution dated 22nd May 2017.

6. The Court has put specific queries to the counsel appearing on behalf of respondents that why extension after extension is granted to respondent No.1 ?; how he is so special that without his service, the administration of Church will not run smoothly ? Counsel for the respondents failed to give plausible explanations to the aforesaid queries.

7. We are in a democratic country. There is a procedure mentioned in the Constitution for appointing Parish Pastor. Accordingly, respondent No.1 was elected in the year 2012 for 4 years. As per the Constitution, after expiry of aforesaid tenure, another election had to be conducted, however, failed to do so and as admitted by the counsel for respondents that the tenure of respondent

No.1 has been extended twice, which cannot be accepted under democratic set up. This seems to be arbitrary attitude of the respondents.

8. It is not in dispute that S.O.P.No.909 of 2016 is pending before the III Additional District Judge, Guntur. Without commenting on merits of the case of the parties, I hereby direct the Court below to decide the aforesaid S.O.P. expeditiously. Till then, order dated 22.09.2017 passed in the present revision petition shall remain in force.

9. I hereby made clear that none of the parties shall take adjournment without the consent of the other party in the proceedings pending before the Court below.

10. Revision petition is accordingly disposed of. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

SURESH KUMAR KAIT, J

8th December 2017

ajr