

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.7562 OF 2007

ORDER

This writ petition is filed seeking to issue a Writ of Mandamus declaring the action of the 1st respondent in passing the impugned order dated 26.02.2007, in violation of proviso to Section 57(2) (a) (i) of the Act XXX of 1987, as arbitrary and illegal and consequently to set aside the same.

Heard Sri N.Guru Gopal, learned counsel appearing for the petitioners, learned Government Pleader for Endowments appearing for the 1st respondent, Sri V.T.M.Prasad, learned counsel appearing for the 2nd respondent and Sri Musudi Babji, learned counsel appearing for the 3rd respondent.

In the affidavit filed in support of the writ petition, the petitioners *inter alia* averred that the over all expenditure of the 2nd respondent-Devasthanam has exceeded 30% as the Devasthanam had incurred expenditure for payment of salary to the 3rd Respondent, who was appointed as Sanitary Inspector and as such, they were not sanctioned D.A, PRC etc.

Counter-affidavit has been filed on behalf of the 2nd respondent, wherein at paragraph No.5, it has been specifically pleaded that if the services of a qualified Sanitary

Inspector is utilized through out sourcing, his service charges will be shown under the head “Health and Sanitation”, which usually be sanctioned in the annual budget of the Devasthanam and the same will not come under the purview of proviso to Section 57(2) (a)(i) of the Act XXX of 1987.

In view of the above specific averment, this Court is of the considered view that since the establishment charges of the 2nd respondent-Devasthanam had not exceeded 30%, the respondents can consider the case of the petitioners for grant of PRC and DA.

Accordingly, the Writ Petition is disposed of directing 1st and 2nd respondents to consider the case of the petitioners for grant of PRC and DA keeping in view the proviso to Section 57(2) (a)(i) of the Act XXX of 1987. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

27th August, 2018
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