

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 28125 of 2018

Date : 10.8.2018

Between:

Phaniharam Narasimha Murthy S/o Venkata Ramana Charyulu
50 years
Pradhana Archaka, Sri Satyanarayana Swamy Temple
Visakapatnam

Petitioner

And

State of A P
Rep by its Principal Secretary,
Revenue (Endowments) Department
Secretariat, Guntur and others

Respondents

The Court made the following:



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ORAL ORDER:

Heard learned counsel for petitioner and learned Government Pleader for respondents 1 and 2 and Smt K Lalitha learned standing counsel for respondent No.3.

2. Petitioner is working as Pradhana Archaka in the respondent temple. By the order impugned, he was placed under suspension on the allegation of abusing the Superintendent, indulging in physically assaulting him etc.

3. Learned counsel for petitioner sought to contend that as per proviso to Section 37 (1) A.P. Charitable and Hindu Institutions and Endowments Act, 1987 (for short the Act, 1987), the Executive Officer is only competent to impose the punishment and is not competent to place the petitioner under suspension.

4. On reading of Section 37 of the Act, 1987, it is seen that sub section (1) deals with competence of Trustee to place an employee under suspension; sub section (2) deals with competence of Officers to take disciplinary action against the servants of the institution. Executive Officer, being a disciplinary authority, is therefore competent to place the employee under suspension. Thus, contention of learned counsel for petitioner by placing reliance on proviso to Section 37 (1) of the Act, 1987 that Executive Officer is not competent, is not valid.

5. Against the order of suspension, employee has remedy of appeal provided under Section 37 (3) (b) of the Act, 1987 and without availing the said remedy, this writ petition is filed and on this ground, Court is not inclined to entertain the writ petition. Accordingly, writ petition is dismissed, leaving it open to the petitioner to avail the remedy of appeal provided under the law. No costs. Miscellaneous petitions, if any pending, are closed.

P NAVEEN RAO,J

DATE:10 -08-2018
TVK

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