

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.11023 OF 2015

ORDER:

1. This writ petition is filed seeking to issue a writ of Mandamus declaring the memo bearing No.7/2015, dated 10.4.2015 issued by the 3rd respondent, as illegal and contrary to the provisions of the Endowment Act, and consequently, to set aside the same.

2. Heard Sri E. Madan Mohan Rao, learned Counsel for the petitioner and Smt. K. Lalitha, learned Standing Counsel for the 3rd respondent.

3. It has been submitted by the learned Counsel for the petitioner that the petitioner is working as Archaka in the 3rd respondent-temple and while he was working as such, on certain allegations he was placed under suspension vide memo dated 10.4.2015, and in the said memo, the allegations made against the petitioner were also mentioned and the petitioner was directed to give explanation for the said allegations, and the petitioner submitted explanation denying the allegations. Further, it has been submitted by the learned Counsel for the petitioner that on 27.4.2015, this Court while issuing notice before admission passed elaborate interim order to the following effect:

“Since no serious allegations have been levelled against the petitioner touching upon his functioning as a religious member of the temple, it is only appropriate that the operation of the memo dated 10.4.2015 to the extent of placing him under suspension, shall be suspended, so as to enable the petitioner to resume and start discharging his religious functions in the temple.

However, the respondents shall try to complete the inquiry contemplated against the petitioner within a maximum period of two months from the date of receipt of a copy of this order.”

It has been submitted that by virtue of the said interlocutory order, the petitioner is continuing his services.

4. The learned Standing Counsel appearing for the 3rd respondent submits that inquiry was conducted against the petitioner and final orders are yet to be passed.

5. I have considered the submissions made by both the Counsel. This Court by order dated 27.4.2015, suspended the operation the memo impugned, and therefore, the petitioner is continuing his services. Further, while passing the interim order dated 27.4.2015, this Court directed the respondents to complete the inquiry initiated against the petitioner, within a reasonable period. In the circumstances, this Court feels it just and proper to direct the respondents to conclude the inquiry initiated against the petitioner at the earliest.

6. Accordingly, the Writ petition is disposed of with a direction to the respondents to conclude the inquiry initiated against the petitioner at the earliest, preferably, within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

(ABHINAND KUMAR SHAVILI.J)

24th April, 2018
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