

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

WP.No.42194 of 2018

ORDER :

Heard the counsel for petitioner, and Sri A. Srikanth Reddy, counsel for 3rd respondent.

2. The petitioner herein is working as religious support staff in the Sri Malyadri Lakshmi Narasimha Swamy Vari Temple, V.V. Palem Mandal, Prakasham District since 2002 (for short, 'the Temple').

3. The petitioner contends that as per Circular No.DPC/52200/2009 dt.23.06.2010, the A.P. Dharmika Parishad, Hyderabad had fixed remuneration to religious support staff at Rs.4,000/- per month; that this amount was not paid to him; that he filed WP.No.31851 of 2015 and a direction was given to pay to him Rs.4,000/- per month from 25.07.2011 which was subsequently paid to him, but for the thirteen month period, i.e., from 23.06.2010 to 25.07.2011, only Rs.1,000/- was paid to him instead of Rs.4,000/- per month, and he is entitled to the difference of Rs.3,000/- per month for those thirteen months amounting to Rs.39,000/-; that when he filed an application under the Right to Information Act, 2005 to the 3rd respondent on 12.09.2018, he had been informed that a sum of Rs.4,000/- was fixed as remuneration to religious support staff in rural areas as per Circular No.DPC/52200/2009 dt.23.06.2010; and therefore, he is claiming the above amount of Rs.39,000/-.

4. In the counter-affidavit filed by 3rd respondent, the 3rd respondent contended that petitioner is a chronic litigant, and even for petty issues he invokes the Writ jurisdiction of this Court under Article 226 of the Constitution of India, and he has an alternative remedy under the Andhra Pradesh Endowments Act 30 of 1987.

5. In para no.5 of the counter-affidavit it is also alleged that there are several complaints against petitioner from the Archaka temple and the staff working in the temple. It is contended that petitioner filed WP.No.36727 of 2014 seeking regularization of his services, and in WPMP.No.45968 of 2014 he sought implementation of the orders passed by 2nd respondent for payment of salary at Rs.4,000/- per month pending disposal of the Writ Petition; that the said Writ Petition was disposed of on 09.12.2014 directing the Temple to implement the proceedings of 2nd respondent dt.26.07.2011 and pay salary of Rs.4,000/- per month with arrears within six (06) weeks; that when the matter was brought to the notice of the Commissioner, Endowments (2nd respondent), he directed implementation of the orders of this Court from August, 2011 onwards by designating him as 'Paricharaka' instead of Assistant Archaka on 03.04.2015, and the sum of Rs.95,375/- (representing the difference salary for the period 01.07.2011 to 28.02.2015) has also been paid by way of cheque to petitioner; and that petitioner's services were dispensed with by 3rd respondent w.e.f. 28.11.2015 and he was paid on 09.04.2016 a sum of Rs.14,516/-. Reference is also made to other Writ Petitions filed by

petitioner including WP.No.28222 of 2017 wherein the order dt.28.11.2015 dispensing with the services of petitioner was suspended by order dt.15.03.2018 passed in I.A.No.1 of 2017 in WP.No.28222 of 2017, while directing the 3rd respondent to continue the services of petitioner in the Temple.

6. Thus, a reading of the counter-affidavit indicates that the 3rd respondent got prejudiced against petitioner since he was approaching this Court whenever he had a grievance, and also on the basis of certain complaints leveled against petitioner by Archakas of the Temple.

7. It is not the case of respondents that any disciplinary action was initiated against petitioner at any point of time on the basis of the alleged complaints received against petitioner.

8. Therefore, it appears that the 3rd respondent has developed a serious prejudice against petitioner and denied the difference in wages of Rs.3,000/- per month for the period 23.06.2010 to 25.07.2011, which is mala fide.

9. When the Circular No.DPC/52200/2009 dt.23.06.2010 of the A.P. Dharmika Parishad, Hyderabad directed payment of Rs.4,000/- per month to religious support staff in rural areas, the petitioner would be entitled to the said amount from that date; and the respondents cannot artificially change the said date to August, 2011 unilaterally

and deny him the said amount for the above arbitrary and mala fide reasons.

10. Accordingly, the Writ Petition is allowed with costs of Rs.3,000/- to be paid by 3rd respondent to petitioner.

11. So the respondents are directed to pay Rs.39,000/- to the petitioner for the thirteen (13) month period, ie., from 23.06.2010 to 25.07.2011 as per the Circular No.DPC/52200/2009 dt.23.06.2010 within a period of four (04) weeks from to-day with interest at the rate of 7% per annum from the date of which the payments were due till the actual date of payment.

12. As a sequel, miscellaneous petitions pending if any in this Writ Petition, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 19.12.2018

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