

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH**

THE HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN

and

THE HON'BLE SRI JUSTICE M. GANGA RAO

Writ Petition No.23044 of 2017 and Writ Appeal No.1888 of 2017

W.P.No.23044 of 2017

Between:

K.K. Nagababu, S/o Gopala Krishna Murthy,
Aged 48 years, Occ: Superintendent, Sri Byragi Mutt,
K. Pentapadu village, Pentapadu Mandal,
West Godavari District

... Petitioner

Vs.

The State of Andhra Pradesh, represented by its
Principal Secretary, Revenue (Endowments-I)
Department, Secretariat, Velagapudi, Amaravati
2 others

.. Respondents

W.A.No.1888 of 2017

Between:

Byragi Mutt, K. Pentapadu village, Pentapadu Mandal,
West Godavari District, represented by its Executive
Officer

... Appellant

Vs.

K. Nagababu, S/o Gopalakrishna Murthy, aged 48 years,
Occ: Superintendent, Sri Byragi Mutt, K. Pentapadu
Village and Mandal, West Godavari District and 2 others

.. Respondents

For Appellant : Mr. K. S. Murthy,

For Respondents : Mrs. K. Lalitha, standing counsel

HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

HON'BLE SRI JUSTICE M. GANGA RAO

Writ Petition No.23044 of 2017 and Writ Appeal No.1888 of 2017

COMMON ORDER: (V. Ramasubramanian, J)

Challenging an order of reversion from the post of Superintendent to the post of Senior Assistant, passed by the Commissioner, Endowments Department, on 08-08-2011, the writ petitioner filed a revision to the Government. The Government passed an order on 15-05-2017, on the revision filed by the writ petitioner, holding that the very promotion given to the writ petitioner was contrary to law and that therefore, the reversion was justified on a different ground.

2. Challenging the order passed by the Government on a short ground namely that the Principal Secretary to Government, who passed the order on the revision, in the year 2017, was the Commissioner of Endowments Department, when he passed the original order dated 08-08-2011, the writ petitioner filed W.P.No.23044 of 2017. In the said writ petition, the learned Judge of this Court granted an interim stay on 12-07-2017. The Endowments Department sought to get the stay vacated, but the learned Judge refused to vacate the interim order.

3. Aggrieved by the refusal of the learned Judge to vacate the interim order, the Endowments Department has come up with the above writ appeal W.A.No.1888 of 2017.

4. Since the controversy involved in the writ petition itself lies in a narrow campus, we directed the writ petition also to be tagged along with the writ appeal. Accordingly, it was tagged.

5. We have heard Mrs. K. Lalitha, learned standing counsel for Endowments, which is the appellant in the writ appeal and Mr. K.S. Murthy, learned counsel for the petitioner.

6. On 13-12-2017, we directed the learned Special Government Pleader to find out whether the Commissioner, who passed the original order of penalty on 08-08-2011, was the same person, who now acted as the revisional authority namely the Principal Secretary to Government, who passed the order dated 15-05-2017. The learned Special Government Pleader for the Department confirmed that it was the very same person who gained promotion to come and occupy the post of the Principal Secretary to Government.

7. Therefore, the order impugned in the writ petition deserves to be set aside on the short ground that no man can be a judge in his own cause. No original authority, can decide an appeal against his own order.

8. Therefore, the writ petition is allowed, the impugned order is set aside. Now it appears that the Principal Secretary to Government has changed. If it is so, the present incumbent or another incumbent who is the competent to hold the office of the Principal Secretary and who was not the Commissioner, who passed the order dated 08-08-2011, shall deal with the revision of the writ petitioner and dispose it of in accordance with law within a period of three (3)

months, from the date of receipt of a copy of the order. Since the writ petitioner had protective orders from this Court till disposal of the revision petition and also since the writ petitioner enjoyed a protective order as against the revisional authority's order dated 15-05-2017, the petitioner shall have the same protection, until the disposal of the revision.

9. As a consequence, the writ appeal is closed as no further orders are necessary.

As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

V. RAMASUBRAMANIAN, J

M. GANGA RAO, J

Date: 04-01-2018

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