

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.10685 of 2019

ORDER:

With the consent of learned counsel for both parties, this writ petition is being disposed of at the admission stage.

This writ petition is filed seeking a Writ of Mandamus, declaring the action of the respondents in not fixing the cadre strength by discriminating the rights of the petitioner, which is contrary to Articles 14, 21 and 300A of the Constitution of India, as illegal, arbitrary and unconstitutional and sought a consequential direction to the respondents to issue proceedings as per G.O.Rt.No.577 dated 15.09.2017 read with G.O.Rt.No.121 dated 09.03.2018 by fixing the cadre strength by considering the representation dated 22.11.2018 in exercise of powers conferred on them under sub-section (4) of Section 35 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act along with payment of arrears of salary from the date of handling over Inam lands to the Endowments Department i.e., from 28.04.2011.

Heard Sri Pavan Kumar Pujari, learned counsel for the petitioner, and the learned Government Pleader for Endowments.

It has been contended by the petitioner that he is the hereditary Archaka of Sri Anjaneya Swamy Temple situated at Urukondapet Village of Urukonda Mandal in Nagarkurnool District and he is aggrieved by the inaction of the respondents in fixing the cadre strength, which is contrary to the Rules and also violative of Articles 14, 21 and 300A of the Constitution of India. The petitioner further submits that Inam lands were surrendered to the Endowments Department on 28.04.2011 and ever since then, he is entitled for payment of salary along with arrears in terms of G.O.Rt.No.577 dated

15.09.2017 and G.O.Rt.No.121 dated 09.03.2018. The petitioner further submits that as the respondents were not fixing the cadre strength and not paying the salary and arrears, he has submitted a representation to the 2nd respondent on 22.11.2018 requesting to fix the cadre strength in exercise of powers under sub-section (4) of Section 35 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act. The petitioner also submits that so far the 2nd respondent has not passed any orders on the said representation nor fixed the cadre strength as per the Rules.

Therefore, learned counsel for the petitioner submits that appropriate orders be passed in the writ petition directing the 2nd respondent to pass appropriate orders on the representation submitted by the petitioner on 22.11.2018 in accordance with law.

Learned Government Pleader appearing for the respondents had submitted that the 2nd respondent will consider the case of the petitioner and appropriate orders would be passed on the representation submitted by the petitioner on 22.11.2018 in accordance with law.

This Court, having considered the submissions of learned counsel for both parties, is of the considered view that this writ petition can be disposed of directing the 2nd respondent to pass appropriate orders on the representation submitted by the petitioner on 22.11.2018 in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

With the above observations, the writ petition is disposed of. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J