

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.13222 of 2019

ORDER:

This writ petition is being disposed of at the admission stage with the consent of both the parties.

2. The writ petition is filed with the following prayer:

"... the Hon'ble Court may be pleased to issue an appropriate writ order or direction more particularly one in the nature of Writ of Mandamus declaring the proceedings in Rc.No.SLNSD/06/2018 dated 11-12-2018 issued by the 5th respondent as illegal arbitrary violative of the principles of natural justice and also contrary to service rules issued in G.O.Ms.No.830, Revenue (Endowments-I), dated 18-08-1989 and consequently direct the respondents 2 to 5 to continue the services of petitioner as sweeper in 4th respondent's temple with all consequential and incidental benefits such as seniority, back wages etc., and also to pay the salaries with interest and to pass such other orders as may be deem fit and proper in the circumstances of the case."

3. Heard Mr. Krishna Kishore Kovvuri, learned counsel for the petitioner, the learned Government Pleader for Endowments, appearing for respondents 1 to 3 and Mr. Jagan Mohan Reddy, learned standing counsel for respondents 4 and 5.

4. Petitioner submits that he has been working as Sweeper in the fourth respondent temple since 1992 to the best satisfaction of the superiors and everyone concerned. Petitioner further submits that while discharging his duties, the respondents have issued a notice dated 11.12.2018 to show cause as to why his services shall not be terminated on the ground that he has suppressed about the age of superannuation and also his conduct in not disclosing to the respondents the drawing of the old age pension from the State Government. Petitioner further submits that he has submitted his explanation to the said notice.

5. The counsel for the petitioner contended that respondent No.5 is not the competent authority but it is the Executive Officer of the respondent No.4 – temple, who is the competent authority and no further action has been initiated in pursuance of the notice dated 11.12.2018. He further contended that without there being any final orders passed pursuant to the said notice, the respondents are preventing the petitioner from discharging his duties. Therefore, the counsel for the petitioner submits that let respondents be directed to continue the petitioner till they conclude the proceedings initiated in pursuance of the notice dated 11.12.2018 and that too by a competent authority.

6. Learned Government Pleader for Endowments and learned standing counsel submit that the petitioner would be continued till the respondents pass final orders in pursuance of the notice dated 11.12.2018. They further submit that the Manager and the Executive Officer is one and the same, as respondent No.5 is discharging the duties of the Executive Officer of respondent No.4 – temple and he is the competent authority to initiate action against the petitioner.

7. This Court, having considered the rival submissions made by both parties, is of the considered view that the writ petition can be disposed of by directing the respondents to continue the petitioner in service till the respondents finalize any action in pursuance of the notice dated 11.12.2018 and the respondents are at liberty to conclude the proceedings in pursuance of the notice dated 11.12.2018 in accordance with law and till the proceedings are not completed the services of the petitioner should be continued.

With the above observations, the writ petition is disposed of.
Pending miscellaneous petitions shall also stand dismissed. There shall
be no order as to costs.

ABHINAND KUMAR SHAVILI, J

July 2, 2019
DSK

