

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.14314 of 2019

ORDER

This Writ Petition is filed seeking the following relief:

“to issue an appropriate more particularly one in the nature of Writ of Mandamus declaring the action of respondent No.3 is not taking steps and pursuing the cases of the petitioners with respondent No.2 in relation to payment of arrears of salary, present salary and future salary in terms of G.O.Ms.No.577, dated 15.09.2017 is questioned in this writ petition as being arbitrary, illegal and violative of Articles 14 19(1)(g) and 21 of the Constitution of India and consequently direct the respondents to pay arrears of salary, present salary and future salary to petitioner Nos.1, 2 and 4 in terms of G.O.Ms.No. 577, dated 15.09.2017 with effect from June 2018 and pass such other order or orders in the above circumstances of the case.”

Heard Sri P.S.Raja Sekhar, learned counsel appearing for the petitioner, learned Government Pleader for Endowments appearing for respondent Nos.1 to 3 and Sri K.Jagan Mohan Reddy, learned Standing Counsel appearing for respondent No.4.

It is the case of the petitioners that they are discharging their duties as Archakas in the 4th respondent-temple. While so, the State Government has taken a policy decision *vide* G.O.Ms.No.577, dated 15.09.2017 enhancing the salaries to the

Archakas working in the temples. But the said benefit has not been extended to the petitioners. Further, respondents 3 and 4 are not taking any steps to pay salaries to the petitioners in terms of G.O.Ms.No.577, dated 15.09.2017. Hence, the petitioners have submitted a representation to the respondents. But the respondents have rejected their case *vide* proceedings dated 18.6.2019 stating that whenever the petitioners handover the inam lands to the 4th respondent-temple, then the respondents would pay salary to the petitioners in terms of G.O.Ms.No.577, dated 15.09.2017.

Learned counsel appearing for the petitioners contended that the petitioners are not in possession of the inam lands and with regard to the very same issue, the respondents have filed O.A.No.380 of 2015, which is pending before the Endowments Tribunal and that the action of the respondents in trying to deny payment of salaries to the petitioners on the ground of pendency of O.A cannot be countenanced. It is further contended that respondents 3 and 4 had already filed O.S.No.6 of 2004 before the Senior Civil Judge, Medak and the same was dismissed on 30th September, 2008. It is prayed that appropriate orders be passed in the writ petition directing the respondents to pay salaries to the petitioners in terms of G.O.Ms.No.577, dated 15.09.2017.

Learned Government Pleader as well as learned Standing Counsel appearing for the respondents contended that the petitioners are holding inam lands of the 4th respondent-temple and they are not handing over the same to the 4th respondent and that since the petitioners are not handing over the inam lands, their cases were not considered for payment of salaries in terms of G.O.Ms.No.577, dated 15.09.2017.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the view that the State Government has taken a policy decision to enhance the salaries of Archakas working in the temples. The respondents cannot deny the said benefit to the petitioners on the ground of pendency of O.A before the Endowments Tribunal. Therefore, action of the respondents in not paying salaries to the petitioners in terms of G.O.Ms.No.577, dated 15.09.2017 is an arbitrary exercise.

Accordingly, the Writ Petition is disposed of directing the respondents to pay salaries to the petitioners if they are discharging their duties as Archakas, strictly in terms of G.O.Ms.No.577, dated 15.09.2017. However, as the issue as to whether the petitioners are holding the inam lands and whether they are not handing over the inam lands to the 4th

respondent-temple is subject matter of O.A. before the Endowments Tribunals, appropriate action be taken in accordance with law as per the orders to be passed by the Endowments Tribunal. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

Date: 11.12.2019

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