

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.28538 of 2019

ORDER:

This writ petition is disposed of at the stage of admission with the consent of the learned counsel for the respective parties.

This writ petition is filed seeking the following relief :-

“.....to issue a writ, order or direction, more particularly a writ in the nature of Writ of MANDAMUS declaring the impugned proceedings issued by the 1st respondent i.e., the Assistant Commissioner of Endowments, Nalgaonda District issued in Rc.No.C/ 1334/ 2019, dated 20/ 07/ 2019 as bad, illegal, arbitrary, opposed to law and one without jurisdiction....”.

Heard Mr.M.Vidyasagar, learned counsel for the petitioners, learned Government Pleader for Endowments appearing for respondents 1, 3 and 4 and Sri K.Jagan Mohan Reddy, learned Standing Counsel for the 2nd respondent.

It has been contended by the petitioners that they are working as Archakas in the 2nd respondent Temple and they are discharging their duties to the best satisfaction of their superiors and everyone concerned. While the matter stood thus, the 1st respondent has issued a show-cause notice on 20.07.2019 to the effect that why the salaries of the petitioners from the grant-in-aid should not be stopped in view of the fact that their fathers have claimed Occupancy Right Certificate in respect of certain lands. The petitioners have submitted explanation contending that the 1st respondent has no authority to issue show-cause notice as their fathers obtained Occupancy Right Certificate from the competent authority under the Inams Abolition Act and the said proceeding has become final. Further, as per the Endowments Act, the 1st respondent is not the competent authority to issue show-cause notice and the Commissioner of Endowments alone is competent to impose any punishments as enumerated under the Rules.

Learned counsel for the petitioner submits that appropriate orders be passed in the writ petition by setting aside the show-cause notice dated 20.07.2019 and further directing the respondents to pay salaries to the petitioners in accordance with the Rules.

The learned Government Pleader as well as the learned Standing Counsel appearing for the respondents contend that since the petitioners have submitted explanation to the show-cause notice, the cases of the petitioners will be considered and appropriate orders would be passed in accordance with law.

This Court, having considered the rival submissions made by the learned counsel for the respective parties, is of the considered view that this writ petition can be disposed of permitting the petitioners to raise additional legal issues before the 1st respondent within one week from the date of receipt of a copy of this order. Upon receiving such additional legal issues, the 1st respondent shall consider the same along with the explanation submitted by the petitioners on 05.08.2019 and pass appropriate orders in accordance with law within a period of four weeks from the date of receipt of a copy of this order. It is needless to say that the 2nd respondent shall consider the cases of the petitioners for payment of salary, pending passing of final orders, pursuant to the show-cause notice dated 20.07.2019.

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 SHAVIL, J

Date: 24-12-2019
Prv

