IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI
(Special Original Jurisdiction)

FRIDAY ,THE TWELFTH DAY OF JULY
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE HARINATH.N

WRIT PETITION NO: 33216 OF 2012

Between:

Sri K.Nagababu, s/o Gopalakrishna Murthy,, Superintendent, Sri Chandrasekhara Swamy Devastanam, Ch.Agraharam Village, Ganapavaram Mandal, West Godavari District.

...PETITIONER

AND

1. The Commissioner of Endowments, Tilak, Road, Abids, Boggulakunta, Hyderabad.
2. The Government of Andhra Pradesh,, Revenue (Endts.I) Department, Secretariat, Hyderabad, rep.by its Principal Secretary to Government.
3. Sri N.S.Chakradhara Rao, Executive Officer,, Sri Maddi Anjaneya Swamy Devastanam, Guravayagudem Village, Jangareddygudem Mandal, West Godavari District.
4. Sri B.H.V.S.N.Kishore Kumar, s/o Butchi Raju,, Executive Officer, Sri Kota Sattemma Ammavari Temple, Nidadavole Post and Mandal, West Godavari District.
5. Sri P.Viswanadha Raju, s/o not known,, Executive Officer, Sri Parijatha Venkateswara Swamy Temple, Jangareddygudem, West Godavari Districrt.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ, order or direction, more particularly a writ in the nature of Writ of MANDAMUS declaring the action of the Ist respondent ie., the Commissioner of Endowments, AP, Hyderabad in not considering the case of the petitioner for further promotions by revising his seniority and re-fixing the seniority on par with respondents 3 to 5 in conformity with the G.O.Ms.No.262, as bad, illegal, arbitrary, opposed to law

IA NO: 1 OF 2024

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to accept the additional material papers filed by the petitioner in Writ Petition No. 33216 of 2012 in the interest of justice.

I.A. NO: 1 OF 2012(WPMP. NO: 42279 OF 2012)

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to STAY the promotions of respondents 3 to 5 to the posts of Assistant Commissioners of Endowments from Executive Officer, Grade-I by Respondent No. 1, pending disposal of the main writ petition,

Counsel for the Petitioner(s): SRI. M VIDYASAGAR

Counsel for the Respondent No.1 : GP FOR ENDOWMENTS

Counsel for the Respondent No.2: GP FOR REVENUE

Counsel for the Respondent No.3: SRI M SURENDRA RAO

Counsel for the Respondent Nos.4 & 5: SRI P V S S S RAMA RAO

The Court made the following: ORDER

APHC010258272012

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3457]**
(Special Original Jurisdiction)

FRIDAY, THE TWELFTH DAY OF JULY

TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE HARINATH.N

WRIT PETITION NO: 33216/2012

Between:
K. Nagababu, S/o Gopalakrishna Murthy, **...PETITIONER**

AND

The Commissioner Of Endowments Tilak and Others **...RESPONDENT(S)**

Counsel for the Petitioner:
1.M VIDYASAGAR

Counsel for the Respondent(S):
1.P V S S S RAMA RAO
2.M SURENDER RAO
3.GP FOR ENDOWMENTS

The Court made the following Order:

Heard learned counsel appearing for the petitioner.

2. The grievance of the petitioner is that the petitioner while working as a Junior Assistant in the establishment of Sri Chandrasekhara Swamy Devasthanam, Ch.Agraharam, West Godavari District, was promoted as Senior Assistant on 22.10.1994

in the same Devastanam. The petitioner was subsequently transferred to Sri Dhaneswai Ammavari Devastanam at Duvva Village, where he was promoted as Superintendent.

3. The learned counsel for the petitioner submits that the transfer of the petitioner and the promotion extended to the post of Superintendent for the unofficial respondent Nos.3 to 5 was in conformity with G.O.Ms.No.262, dated 20.05.2002. The service of the petitioner along with respondent Nos.3 to 5 is in the same category as per the G.O.Ms.No.262. The grievance of the petitioner is that respondent Nos.3 to 5 were extended promotions in pursuance of G.O.Ms.No.262. However, when the issue of promotion for the petitioner was considered, G.O.Ms.No.888, dated 08.12.2000, was applied illogically. The learned counsel for the petitioner submits that the petitioner's service benefits, which include promotion, were denied by the illogical application of G.O.Ms.No.888.

4. The learned counsel for the petitioner has filed an additional affidavit along with additional material papers. It is submitted that the petitioner's name is at serial No.11 in the provisional seniority list of Superintendents working in Zone-II as on 14.12.2021, indicating promotion to the cadre of Superintendent in another

parental Institute. The learned counsel for the petitioner draws the attention of this Court to the memos issued by Office of the Commissioner of Endowments Department-Respondent No.1 dated 20.04.2013, whereby the issue of disciplinary action initiated against the respondent Nos.3 to 5 was dropped and reference to the promotion extended to them in an institution other than their parent department is also recorded. The Vigilance Officer has observed that it is not justifiable to raise the query as to legality of the promotion of the respondent Nos.3 to 5 as Superintendent in an Institution other than the parent institution. It is also observed that there was no justification to find fault with the promotion with effect to the respondents and that they were also appointed for the other post in terms of G.O.Ms.No.262, dated 20.05.2002. Accordingly, the show cause notice was dropped and further action of respondent Nos.3 to 5 was dropped. The learned counsel for the petitioner submits that these proceedings were issued eleven years ago and now the respondent Nos.3 and 4 are working in the cadre of Deputy Commissioners and the respondent No.5 is working as an Assistant Commissioner.

5. The learned counsel for the petitioner submits that the petitioner is at the fag and of his service and denial of promotion is gross injustice to the petitioner.

6. It is also submitted that the petitioner is still working as Superintendent on account of denial of promotion by extending the provisions of G.O.Ms.No.262, as was done in the case of the respondent Nos.3 to 5. It is submitted that employees were working in institutions other than parent institutions were promoted and instances of other employees who are at serial No.5 and 17 were promoted as Executive Officer Grade-I are cited.

7. As seen from the seniority list prepared by the respondent as on 14.12.2021, the petitioner has been working as Superintendent from 01.02.2009 after being promoted, whereas the respondent Nos.3 to 5 were promoted in the year 2013.

8. Considering the issue that respondent Nos.3 to 5 were also promoted in an institution other than their parent Institution, the action of respondents in not extending G.O.Ms.No.262 to the petitioner has to be held as an act undertaken in gross violation of the law in force. There is also no justification for extending G.O.Ms.No.888 to the petitioner and discriminating his services compared to the services of the respondent Nos.3 to 5. The

petitioner and the respondent Nos.3 to 5 who complied with the requirements of the provisions of G.O.Ms.No.888 Regulation 33 of G.O defines a unit in each institution or endowment shall be a unit for the purpose of recruitment, seniority and promotion and the Rule 35 entitled the Commissioner may relax any of the rules in favour of any other persons or any class of persons for being appointed, otherwise by direct recruitment, to any office or of any post or of any person. As per the G.O.Ms.No.262, the petitioner would be entitled to the next promotion as Executive Officer Grade-I. There is absolutely no assistance from the respondent Nos.1 and 2.

9. Counter of the respondent No.3 is on record. The respondent No.3 has narrated the service rendered by him and his promotion in the Department. The respondent No.3 has also submitted that the petitioner was suspended from service and that W.P.Nos.1604 of 2010, 2416 of 2010 and 8097 of 2010 were filed before this Court seeking payment of salaries and cancelation of deputation against the orders of suspension etc.

10. Be that as it may, those issues have been dealt by this Court in those writ petitions.

11. The learned counsel for the petitioner submits that the proceedings were against the petitioner was also dropped by the

respondent No.1. The respondents to consider the petitioner's eligibility for promotion, the entire service record of the petitioner will be available with the respondent No.1, and it is for the respondent No.1 to extend the service benefits as extended to the respondent Nos.3 to 5 by application of G.O.Ms.No.262.

12. The writ petition is ***disposed of*** by directing the respondent Nos.1 and 2 to extend the same benefits as were extended to the respondent Nos.3 to 5 by applying the provisions of G.O.Ms.No.262 to the petitioner. The respondent Nos.1 and 2 shall comply with this order and issue appropriate proceedings to the petitioner within a period of six (06) weeks from the date of the receipt of the representation by the petitioner.

There shall be no order as to costs.

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

SD/- K. TATA RAO
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Commissioner of Endowments, Tilak, Road, Abids, Boggulakunta, Hyderabad.
2. The Principal Secretary, Government of Andhra Pradesh,, Revenue (Endts.I) Department, Secretariat, Amaravathi
3. One CC to Sri. M Vidyasagar Advocate [OPUC]
4. One CC to Sri. M Surender Rao Advocate [OPUC]
5. Two CCs to GP For Endowments ,High Court Of Andhra Pradesh. [OUT]
6. One CC to Sri. P V S S S Rama Rao Advocate [OPUC]
7. Two CCs to GP For Revenue, High Court of Andhra Pradesh [OUT].
8. **Three CD Copies**

AL

HIGH COURT

CC

DATED:12/07/2024

ORDER

WP.No.33216 of 2012



DISPOSING OF THE WP WITHOUT COSTS