

(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)

TUESDAY, THE TWELFTH DAY OF JULY, TWO THOUSAND AND TWENTY TWO

:PRESENT:

THE HONOURABLE SMT JUSTICE KONGARA VIJAYA LAKSHMI
WRIT PETITION No. 19195 of 2022

Between :-

P. Lokesh Babu, S/o. Late P. Sankar Reddy, Aged about 44 years,
Occ : Superintendent of Srikalahasteeswara Swamy Vari Devasthanam, R/o.D.No.4-128C, Perumalapalli Village, Tirupathi Rural Mandal, Chittoor District-517644.

....Petitioner

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary, Revenue (Endowments) Department, Secretariat, at Velagapudi, Amaravathi, Guntur District.
2. The Commissioner, Endowments Department, A.P., Gollapudi, Vijayawada, Krishna District.
3. Srikalahasteeswara Swamy Vari Devasthanam, Srikalahasti, Chittoor District, Rep.by its Executive Officer.
4. Sri Bharamba Mallikharjuna Swamy Vari Devasthanam, Srisailam, Kurnool District, Rep.by its Executive Officer.

....Respondents

WHEREAS the Petitioner above named through his Advocate SRI SAMBASIVA PRATAP EVANA, presented this 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 one in the nature of WRIT OF MANDAMUS declaring the orders of 2nd respondent in proceedings in Rc.No.C1/13021/1/2022-1, dated 30.06.2022, to the extent of transferring the petitioner from 3rd respondent temple to 4th respondent temple, showing at serial no.4 (page.3 of the said order) under the caption of Superintendents, depriving the chance of promotion to the post of Assistant Executive Officer at 3rd respondent temple being his parent institution as being bad , illegal, contrary to the provisions of A.P. Charitable and Hindu Religious Institutions and Endowments Act 1987 and statutory rules issued in G.O.Ms.No.301 Revenue (Endowments. I) Department dated 12.10.2020 for regulating transfers and service rules issued in G.O.Ms.No.888 Revenue (endowments .I) Department dated 08.12.2000, besides offending Articles 14 and 16 (1) of Constitution of India and consequentially to set aside the same to the extent the petitioner is concerned.

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of SRI SAMBASIVA PRATAP EVANA, Advocate for the Petitioner and of the Govt. Pleader for respondent Nos. 1 and 2 and of Sri G. Ramana Rao, Standing Counsel for respondent Nos. 3 and 4, directed issue of notice to the Respondents herein to show cause as to why this WRIT PETITION should not be admitted.

You viz:

- 1.The Principal Secretary, Revenue (Endowments) Department,
State of Andhra Pradesh, Secretariat, at Velagapudi, Amaravathi, Guntur District.
- 2.The Commissioner, Endowments Department, A.P., Gollapudi, Vijayawada,
Krishna District.
- 3.The Executive Officer, Srikalahasteeswara Swamy Vari Devasthanam, Srikalahasti,
Chittoor District.

Contd..2...

4.The Executive Officer, Sri Bharamba Mallikharjuna Swamy Van Devasthanam,
Srisailam, Kurnool District.

are directed to show cause either appearing in person or through an advocate on or before 10-08-2022 to which date the case stands posted as to why in the circumstances set out in the petition and the affidavit filed therewith (copy enclosed) this WRIT PETITION should not be admitted.

I.A.No. 1 of 2022 :-

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of W.P., the High Court may be pleased may be pleased to suspend the operation of orders of 2nd respondent in proceedings in Rc.No.C1/13021/1/2022-1, dated 30.06.2022, to the extent of transferring the petitioner from 3rd respondent temple to 4th respondent temple, showing at serial no.4 (page.3 of the said order) under the caption of Superintendents, pending disposal of W.P. No. 19195 of 2022, on the file of the High Court.

The Court made the following ORDER :-

“Notice before admission returnable in four weeks.

Learned Government Pleader takes notice for respondents 1 and 2.

Learned counsel for the petitioner is permitted to take out personal notice to the respondents 3 and 4 by RPAD and file proof of service.

This Writ Petition is filed questioning the proceedings of the 2nd respondent dated 30.06.2022 to the extent of transferring the petitioner from the 3RD respondent Temple to the 4th respondent Temple, thereby depriving the chances of promotion to the post of Assistant Executive Officer of the 3rd respondent Temple, as arbitrary and illegal.

The petitioner was initially appointed as Junior Assistant in the establishment of 3rd respondent Temple through proceedings dated 12.12.1998; thereafter he was promoted as Senior Assistant and further promoted as Superintendent; the 2nd respondent issued proceedings dated 30.06.2022 transferring the petitioner from 3rd respondent Temple to the 4th respondent Temple; the Government framed temple employees transfer rules namely A.P. Charitable and Hindu Religious Institutions and Endowments (transfer of office holders and servants) Rules, 2020 as per G.O.Ms.No.301 dated 12.10.2020 and as per the said Rules, certain exemptions were granted under the said GO and one of the exemptions as per 2nd proviso to Rule 5 is that only those employees who were appointed in the sanctioned posts or approved cadre strength posts by the competent authority as per the Rules framed in GO Ms.No.888 dated 08.12.2000 are entitled for transfer. Hence, the Writ Petition.

Rule 5 of the A.P. Charitable and Hindu Religious Institutions and Endowments (transfer of office holders and servants) Rules, 2020 reads as follows.

“Only the employees who were appointed in the sanctioned posts or approved cadre strength posts by the competent authority as per the rules framed earlier in G.O.Ms.No.888 dated 08.12.2000 are entitled for transfer from one institution to another.”

As seen from the said rule, it prima facie appears that only those employees who were appointed as per the rules framed under G.O.Ms.No.888 dated 08.12.2000 can be transferred.

Contd..3...

Learned counsel for the petitioner submits that as the petitioner was appointed prior to 08.12.2000 he cannot be transferred. He further submits that in similar facts and circumstances, this Court in WP No.19386 of 2022, dated 08.07.2022 passed an interim order.

Learned counsel for the petitioner also contends that the promotional chances of the petitioner would also be affected pursuant to the impugned transfer order. The said issue would be decided at the appropriate time after counters are filed.

Learned Government Pleader submits that if the interpretation made by the learned counsel for the petitioner is accepted, no person who was appointed prior to 2000 can be transferred and she seeks time to file counter affidavit in the matter.

In view of the facts and circumstances, there shall be interim suspension of the impugned proceedings dated 30.06.2022 only to the extent of transferring the petitioner from the 3rd respondent Temple to the 4th respondent Temple till 10.08.2022.

List the matter on 10.08.2022."

//TRUE COPY//

Sd/- K. SRINIVASA RAJU
ASSISTANT REGISTRAR


SECTION OFFICER

To

- 1.The Principal Secretary, Revenue (Endowments) Department,
State of Andhra Pradesh, Secretariat, at Velagapudi, Amaravathi, Guntur District.
- 2.The Commissioner, Endowments Department, A.P., Gollapudi, Vijayawada,
Krishna District.
- 3,The Executive Officer, Srikalahasteeswara Swamy Vari Devasthanam, Srikalahasti,
Chittoor District.
- 4.The Executive Officer, Sri Bharamba Mallikharjuna Swamy Vari Devasthanam,
Srisailam, Kurnool District.
- (Addressee Nos. 1 to 4 by RPAD along with a copy of Petition & Affidavit)
- 5.Two CCs to the G.P. for Endowments, High Court of A.P., at Amaravati(OUT)
- 6.One CC to Sri Sambasiva Pratap Evana, Advocate(OPUc)
- 7.One spare copy.

TKK

HIGH COURT

KVL.J

DT.12-07-2022.

NOTICE BEFORE ADMISSION

W.P.No. 19195 of 2022

INTERIM SUSPENSION

