

APHC010481151996



**IN THE HIGH COURT OF ANDHRA
PRADESH
AT AMARAVATI**

**Bench Sr.No:-
26
[3506]**

**WRIT PETITION NO: 28172 of 1996
AND
WRIT PETITION NO.4163 OF 2004**

Writ Petition No.28172 of 1996

Mallampalli Shiva Prasad Rao

...Petitioner

Vs.

The Deputy Commissioner of Endowments and 2
others

...Respondents

Advocate for Petitioner:

K S V SUBBA RAO

Advocate for Respondent:

L RAVICHANDER

CORAM : SRI JUSTICE CHALLA GUNARANJAN

DATE : 4th December 2025

COMMON ORDER:

Writ Petition No.28172 of 1996 is filed seeking the following
prayer:

“...to issue an appropriate writ, order or direction, one in the nature of mandamus: (a) directing the respondents to forthwith fix petitioner’s pay in accordance in the revised scale of pay from time to time taking into account the orders passed by the Deputy Commissioner of Endowments, Kakinada, in proceedings D.Dis.No.A5/7901/79-Adm., dated 10.04.1979 and on that basis continue to pay the petitioner salary and allowances as admissible; (b).....”

2. Pending writ petition, the Commissioner, Endowments Department, issued proceedings vide Rc.No.C3/40991/2002, dated 11.02.2004, directing for fixing of the pay in various revisions of pay scales applicable to the deceased 1st petitioner and also directing to arrange payment of arrears of salary. The operative portion of the said order reads as follows:

“Taking into consideration of the representation of Sri M.S.Prasada Rao and also that he is going to retire during the month of July, 2004; the Deputy Commissioner, Endowments Department, Kakinada is instructed to fix-up the pay of Sri M.S. Prasada Rao in various revisions of pay scales applicable to him from the date when time scale was withdrawn duly deducting the amounts, if any, paid to him by virtue of Court orders and the H.R.A. for the temple quarters occupied by him.

He is also instructed to issue instructions to the Executive Authorities of Sri Bramaramba Chennamalleswara Swamy Temple, Thotlavalluru and Vuyyuru Group Temples to arrange payment of arrear salary to Sri M.S. Prasada Rao, Clerk as fixed and communicate the orders within 10 days from the date of receipt of such order and report compliance for the periods of Sri M.S. Prasada Rao worked in the respective institutions by 20.02.2004 positively.”

3. Aforesaid proceedings eventually came to be challenged by the 3rd respondent Temple viz., Sri Bhramaramba Chenna Mallikarjuna Swamy Vari Temple, Thotlavalluru village, in W.P.No.4163 of 2004.

4. This Court, by interim order, dated 08.03.2004, in W.P.M.P.No.5471 of 2004, suspended the operation of the aforesaid orders of Commissioner. Both these writ petitions have been tagged and listed together for hearing.

5. On 22.11.2025, as there was no representation on behalf of respondents in W.P.No.28172 of 1996 and petitioner in W.P.No.4163 of 2004, both the writ petitions have been posted under the caption “for dismissal”.

6. Today, learned counsel for the petitioners in W.P.No.28172 of 1996 is present, and none appeared for the 3rd respondent Temple, who is the writ petitioner in W.P.No.4163 of 2004.

7. Learned counsel for the petitioners in W.P.No.28172 of 1996 submits that in view of interim suspension granted by this Court on 08.03.2004, in W.P.M.P.No.5471 of 2004 in W.P.No.4163 of 2004, the orders of the Commissioner, dated 11.02.2004, which directed for re-fixation of pay as per revised pay scales and also to pay arrears of salary, have not been implemented. The 1st petitioner, in fact, has already retired from service and deceased, leaving behind his legal representative, who are now pursuing the cause in the writ petition.

8. As there is no representation on behalf of the Temple, which is the petitioner in W.P.No.4163 of 2004, the said writ petition stands dismissed for non-prosecution. No order as to costs.

9. In view of dismissal of W.P.No.4163 of 2004, the orders of Commissioner, dated 11.02.20024, stands revived and as the said

orders have been issued only after filing of W.P.No.28172 of 1996, the grievance of the petitioners, therefore, stands redressed.

10. The respondents in W.P.No.28172 of 1996 are, therefore, directed to take appropriate steps for implementation and compliance with the orders of the Commissioner, dated 11.02.2004, within a period of eight weeks from the date of receipt of a copy of this order.

11. Accordingly, W.P.No.28172 of 1996 stands allowed. No order as to costs.

As a sequel, miscellaneous petitions pending consideration, if any, in this case shall stand closed.

JUSTICE CHALLA GUNARANJAN

Date:04.12.2025.

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