

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
TUESDAY, THE TWENTY NINTH DAY OF AUGUST TWO THOUSAND AND
TWENTY THREE

:PRESENT:

THE HONOURABLE SMT JUSTICE P.MADHAVI DEVI
WRIT PETITION NO: 11365 OF 2023

Between:

Budemgari Raju, S/O Narahari or Haraiah, Aged 48 years, Archaka (on Consolidated pay), Sri Raja Rajeshwara Swamy Devasthanam, Vemulawada, Rajanna Sircilla district.

Petitioner

AND

1. State of Telangana, Rep.by its Prl. Secretary to Government, Revenue (Endowments) Department, Secretariat, Hyderabad.
2. The Commissioner of Endowments, Telangana, Boggulakunta, Hyderabad.
3. The Executive Officer, Sri Raja Rajeshwara Swamy Devasthanam, Vemulawada, Rajanna Sircilla district.

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 of Mandamus or any other appropriate Writ, order or direction, declaring the action of the respondents particularly the action of the 4th respondent in passing Orders on my representation vide Rc.No.Legal/584/2022, dated 9.3.2023 rejecting his representation for granting time scale instead of fixed remuneration as illegal, arbitrary and without jurisdiction, as the 4th respondent is not competent to reject his representation, as the 2nd respondent alone is the competent authority to pass Speaking Orders on his representation and consequently direct the respondents in to regularise my services as Archaka in the 3rd respondent temple and grant me time scale instead of Consolidated pay as was given to the other similarly situated Archakas as per the dicta laid down by the Hon' ble Supreme Court in State of Punjab v. Jagjit Singh reported in (2017) 1 SCC 148;

IA NO: 1 OF 2023:

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 direct the respondents to regularize his services as Archaka in the 3rd respondent temple and grant him time scale instead of consolidated pay as was given to the other similarly situated Archakas as per the dicta laid down by the Hon'ble Supreme Court in State of Punjab vs. Jagjit Singh reported in (2017) 1 SCC 148, pending disposal of WP 11365 of 2023, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Smt T SUHASINI, Advocate for the Petitioner and GP FOR ENDOWMENTS for the Respondents 1 & 2 and Sri J R Manohar Rao (S.C.) for the Respondent 3, the Court made the following.

ORDER:

Learned Government Pleader for Endowments seeks time to file counter in this matter.

Learned counsel for the petitioner however submitted that this is a second round of litigation and in the earlier round, an interim direction was passed by this Court in W.P.No.4569 of 2023 directing the respondents to consider the representation of the petitioner and to pass appropriate orders in view of the judgment of Hon'ble Supreme Court in the case of State of Punjab and Others Vs. Jagjit Singh and Others reported in (2017) 1 SCC 148.

It is submitted that without giving any reasons as to how the case of the petitioner is different from the other Archakas who are functioning and the minimum time scale was extended, the respondents have merely stated that judgment of the Hon'ble Supreme Court in the case of Jagjit Singh (cited supra) is not applicable to the petitioner.

Learned counsel for the petitioner submits that the respondents have not passed the order in accordance with the directions of this Court and the petitioner is entitled to time scale as is given to similarly placed employee i.e., R.Venkata Charya in respect of whom, vide proceedings dated 23.05.2014, a post of Archaka was created and time scale was sanctioned to him.

In view of the same and as counter is required to be filed by the respondents, list this matter on 26.09.2023.

In the meantime, there shall be interim direction as prayed for.

//TRUE COPY//

SD/- C. PRAVEEN KUMAR
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Prl. Secretary to Government, Revenue (Endowments) Department, State of Telangana Secretariat, Hyderabad.
2. The Commissioner of Endowments, Telangana, Boggulakunta, Hyderabad.
3. The Executive Officer, Sri Raja Rajeshwara Swamy Devasthanam, Vemulawada, Rajanna Sircilla district. (1 to 3 by RPAD)
4. One CC to SRI. T SUHASINI, Advocate [OPUC]
5. Two CCs to GP FOR ENDOWMENTS ,High Court at Hyderabad. [OUT]
6. One spare copy

HIGH COURT

PMDJ

DATED:29/08/2023

POST ON 26-09-2023

ORDER

WP.No.11365 of 2023

DIRECTION

