

**(1995) 11 AP CK 0019**

**In the Andhra Pradesh High Court**

**Case No : Writ Petition No. 6915 of 1991**

K.V. Durga Prasad and Others

APPELLANT

Vs

Sri Durgamalleswara Swami Vari Devasthanam, Vijayawada  
and Others

RESPONDENT

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**Date of Decision : 16-11-1995**

**Acts Referred:**

**Citation : (1995) 3 ALT 665 : (1996) 1 LLJ 1116**

**Hon'ble Judges : G. Bikshapathi, J**

**Bench : Single Bench**

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## **Judgement**

G. Bikshapathy, J.—In the present writ petition, the petitioners are challenging the proceedings dated 6-5-1991 wherein their services were terminated. The facts are that the first petitioner was appointed as Conductor initially on N. M. R. basis from 6-3-1988 and as a regular conductor from 30-5-1990, the second petitioner was appointed as driver of the car with effect from 25-5-1990 while the third petitioner was appointed as Junior Assistant on 16-3-1990 and posted at Sri Venkateswara Swami Devasthanam, Nimmakuru. However, he was subsequently transferred to the first respondent-Devasthanam with effect from 2-4-1990. The said transfer was also made by the Commissioner of Endowments i.e., the second respondent herein.

2. The learned Counsel for the petitioners submits that the impugned order dated 6-5-1991 was passed at the instance of the Government memo dated 5-5-1991 which was communicated by the second respondent through telephone. He refers to the reference made in the impugned order. On the basis of the said telephonic communication, the services of the petitioners were terminated. The learned Counsel for the petitioners submits that the said order of termination is only illegal and arbitrary inasmuch as no notice or opportunity was given to the petitioners before terminating their services. Thus, he submits that the impugned order is liable to be set aside on the ground of violation of principles of natural justice.

3. A counter-affidavit was filed on behalf of the respondent-Devasthanam stating that though the petitioners were appointed on the respective dates mentioned in the writ petition, their appointments were illegal and therefore, the termination was effected. In respect of the first petitioner, the reason given in the counter is that he is the son of P. A. to the Executive Officer while the second petitioner is the brother-in-law of the then Executive Officer and the third petitioner is the nephew of the Executive Officer. Therefore, the appointments were held to be illegal and contrary to the Government rules and the termination order issued is quite legal and valid.

4. The learned Counsel for the petitioners further submits that the Executive Officer is the appointing authority under the Provisions of Endowments Act as the income of the subject of temple is more than Rs. 10 lakhs per annum. Therefore, the Executive Officer being the appointing authority cannot act on the instructions of the Government and that too, issued the impugned order without putting the petitioners to the notice. I have considered the matter at length. I find that the petitioners were not issued with any notice or opportunity before effecting termination of their services. On the other hand, the Executive Officer simply followed and carried out the instructions of the Government Memo dated 5-5-1991 transmitted by the second respondent through a telephone message dated 6-5-1991. Thus, I find that the impugned termination orders are in violation of principles of natural justice. Without going to the respective merits of the case, I am inclined to allow this writ petition on the ground of contravention of principles of natural justice.

5. The Writ Petition is accordingly allowed. The impugned orders of the first respondent in R. C. No. A1/1539/91-D dated 6-5-1991 are quashed. No order as to costs.