

(2000) 08 AP CK 0005

In the Andhra Pradesh High Court

Case No : Writ Petition No. 14909 of 1998

M. Siva Kumar

APPELLANT

Vs

Commissioner of Endowments and Another

RESPONDENT

Date of Decision : 25-08-2000

Acts Referred:

Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987
— Section 6, 92

Citation : (2001) 1 ALT 402

Hon'ble Judges : G. Bikshapathy, J

Bench : Single Bench

Advocate : K.V. Satyanarayana, for the Appellant; Govt. Pleader for the Respondent No. 1 and K.V.N. Bhupal, for the Respondent No. 2, for the Respondent

Final Decision : Dismissed

Judgement

G. Bikshapathy, J.—In this writ petition the proceedings issued by the Executive Officer, Sri Lakshmi Narasimha Swamyvari Devasthanam, Yadagirigutta, dated 25-12-1997 placing the petitioner under suspension and initiating disciplinary proceedings are assailed. It is the case of the petitioner that he was appointed by the Executive Officer, Yadagirigutta Temple initially, which is the temple covered u/s 6(a) of the A.P. Charitable and Hindu Religious Institutions and Endowments Act. After appointment and after serving for certain period the petitioner was transferred to Srisailam Devasthanam in June 1997. While working at Srisailam Devasthanam, the petitioner was placed under suspension and disciplinary proceedings were initiated by the Executive Officer of Yadagirigutta temple by the impugned proceedings. The said proceedings are assailed on the ground that the 2nd respondent, Executive Officer of Yadagirigutta temple has no jurisdiction to initiate the disciplinary proceedings, much less to suspend him pending enquiry, as at the relevant time, he was working at Srisailam Devasthanam and the Executive Officer of Srisailam Devasthanam is the competent authority to initiate disciplinary proceedings against the petitioner even though the

misconducts alleged against him were committed while working at Yadagirigutta temple. It is also the case of the petitioner that aggrieved by the said order, he filed a revision petition before the Commissioner u/s 92 of the Act, in R.P.No. 7/98 and the same is still pending.

2. Learned Counsel for the petitioner submits that it is a question of deciding the jurisdiction of the authority and it would be desirable if the same is decided by the Court instead of directing the Commissioner to decide the jurisdictional aspect. I am not persuaded to accept the said contention. The petitioner having filed the revision petition, it is necessary that the authority should consider the same including the question of jurisdiction.

3. Under these circumstances, I am not inclined to adjudicate the matter on merits and direct the Commissioner to dispose of the revision petition filed by the petitioner in R.P.No. 7/98 after giving opportunity to the petitioner within a period of two months from the date of receipt of a copy of this order. Pending disposal of the revision petition, the 2nd respondent is directed not to pass any final orders.

4. The writ petition is accordingly disposed of. No costs.