

---

**(1996) 10 AP CK 0071**

**In the Andhra Pradesh High Court**

**Case No : Writ Petition No. 4217 of 1996**

M. Subrahmanyam Reddy and Others

APPELLANT

Vs

Executive Officer, Tirumala Tirupathi Devasthanams

RESPONDENT

---

**Date of Decision : 18-10-1996**

**Acts Referred:**

**Citation : (1997) 2 ALT 800**

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

**Bench : Single Bench**

**Advocate :** P. Venkateswarlu, M. Pandu Ranga Rao, K.V. Rajendra Prasad, V. Jagapathi, M. Ratna Reddy, A. Bhaskarachari, K. Jayakumar, Ghanta Rama Rao, P. Govinda Reddy, M. Venkataramana Reddy, O. Manohar Reddy, M. Vijaya Kumar, B. Rajendra and Y. Jagan Mohan, for the Appellant; C.N. Babu, SC, for the Respondent

---

## **Judgement**

G. Bikshapathy, J.—The cluster of Writs is the cause of series of engagements and disengagements of the petitioners. In some Writ Petitions the orders passed by the respondent Devasthanam dt. 25-2-96 are assailed. In some others the Petitioners claim the benefit of Section 25H of the Industrial Disputes Act and yet in other cases they seek the benefit on par with other similarly situate persons.

2. Facts in all these cases are segregated and sieved to cull out issues for determination. Therefore, individual facts in each Writ Petition are not narrated.

3. The geneology of the factual matrix as can be discerned is that the Tirumala Tirupathi Devasthanams (for short T.T.D.) has been enlisting the services of volunteers, unit workers, scouts and guides, even pilgrims in various sections of the Devasthanam, such as "Q" complexes, Canteen, Potu etc. These volunteers were engaged mostly during peak period as Brahmasthanam, summer holidays and other special occasions, or whenever the pilgrim inflow was heavy. Volunteers were being supervised by one Sri C.K.R. Jaya Ramakrishnan, Physical Director. The Volunteers involved in these cases principally belonged to 1985 and onwards. Since the service was voluntary, there was no regularity. Whenever

they presented they were used to be engaged if there are vacancies. Initially they were paid Rs. 10/- per day and later enhanced to Rs. 15/- per day. While so, the Members of Nehru Yuvak Samaj appear to have made representation to take them into service on the ground they rendered voluntary service. The T.T.D. passed resolution No. 1091, dated 10-4-1991 taking them back into voluntary service. Thus, they worked from May, 1991 to November, 1993, when their services were terminated. Again they were taken back into voluntary service by proceedings dated: 17-3-1994. Again they were discharged on 10-4-1995 and they were taken back yet again on 12-5-1995. Finally their services were terminated by proceedings dated 25-2-1996. In Writ Petition No. 4217/96 and also in W.P. 4218/96 the said proceedings are assailed. Other Writ Petitions were filed either for absorption on line of Nehru Yuvaka Sangam or u/s 25H of the Industrial Disputes Act. Some of the petitioners approached this Court after inordinate delay ranging from 7 years to 14 years. Main focus of the counsel is on Writ Petition No. 4165/96, 4217/96, 4218/96, when certain volunteers were terminated.

4. The principal contention of the petitioners" is that they had been working for the Devasthanam though they were styled as Volunteers from 1985 onwards and they are entitled for absorption in T.T.D. Service. The termination orders are in violation of Section 25F of the Industrial Disputes Act and juniors to the petitioners are continuing in service and hence they seek appropriate orders.

5. The T.T.D. contends that the petitioners have no locus standi to file the Writ Petitions. The employees of the T.T.D. are governed by the statutory Rules in G.O.Ms.No. 1060 dated: 24-10-1989 framed under Sections 35, 106 and 107 read with Section 153 of the A.P, Charitable and Hindu Religious Institutions and Endowments Act, 1987 (Act 30 of 1987). Prior to that G.O.Ms.No. 1350 was in force. There is no such category as Volunteers under the Rules and hence they cannot claim the status of a T.T.D, employee. Moreover the employees are recruited on sponsorship from the Employment Exchange, they were subjected to regular process of selection provided they possessed the requisite qualification keeping in view the Rule of Reservation. None of these elements were present while engaging the Volunteers.

6. It is stated that the specified Authority sent proposals for regular absorption of certain volunteers in October, 1990, who were working from 1982. The Government accepted the proposal and issued GO. Ms. No. 391, dated 6-5-1991. In pursuance of the GO., 1,235 persons were employed on regular basis. Taking clue from the resolution of T.T.D. dated: 25-10-1990, the members of Nehru Yuvak Sangam followed the same and resolution was passed by the T.T.D. Board on 1-4-1991 taking back some persons. Thereafter W.P.No. 4141 /92 was filed by some other persons seeking similar treatment. The result was the members of Nehru Yuvaka Sangam and petitioners in W.P. No. 4141/92 were issued with show cause notices for discharge. Discharge orders were challenged in Writ Petition No. 17515/93. The orders were quashed and the T.T.D. was directed to

consider their cases if their juniors are continuing. While considering the issue, the T.T.D. erroneously took note of recruitment of 297 persons made by it in 1992 as per rules and came to the conclusion that since the regular recruits are juniors, the volunteers should be continued. Resolution was passed in No. 1141, dated: 24-2-1994 to reinduct all the Volunteer Workers. However, the T.T.D. was realised its folly soon. Thereafter the rectification process was initiated. All the Volunteers were again discharged on 10-4-1995. These orders were challenged in W.P. No. 7544/1995, which was allowed on the ground that there was no notice to the volunteers. Thereupon show cause notice was issued and finally orders were passed on 25-2-1996 terminating the services of all volunteers. Thus, T.T.D. submits that the action of the T.T.D. is quite legal and valid.

7. It is noticed that the T.T.D, has been passing resolution for regularising the services of such volunteer workers. GO.Ms.No. 296, dated 19-4-1988, GO.Ms.No. 390, dated 6-5-1991, GO.Ms.No. 391, dated 6-5-1991 are some of such orders. Taking into nature of work done by the Volunteers/ daily rated persons, the T.T.D. has been passing the resolutions recommending the regularisation. The Government has been approving the resolutions. But, in the instant case, no such resolutions were passed and on the other hand an omission committed by the T.T.D. was set right. It is the categorial assertion of the respondent/ T.T.D. that the Petitioners in all the writ petitions never worked for 240 days in any year. They were not engaged for years together. Only some of the volunteers were engaged for some time in 1992 to 1994 and in 1995 and that too under mistaken impression. It is contended by the learned counsel for petitioners Mr. M. Panduranga Rao and Mr. P. Venkateshwarlu, that the T.T.D. is an Industry under the provisions of the Industrial Disputes Act. They relied on the judgment of the Supreme Court in Chief Conservator of Forests v. Jagannatha Maruthi Kondhare, 1996 (1) SLR 56. Hussainbhai, Calicut Vs. The Alath Factory Thezhilali Union, Kozhikode and Others, . K. Koteswara Rao v. The Govt. of Andhra Pradesh, 1973 APHC Notes 239. and submits that the termination of services of the petitioners is in violation of Section 25F of Industrial Disputes Act and also amounts to unfair labour practices. The learned counsel for the respondent vehemently opposed on the ground that Industrial Disputes Act has no application to T.T.D. and hence the decisions cited by the learned Counsel for petitioners are not applicable. Even otherwise none of the petitioners completed 240 days in any Single year. I am not inclined to go into this aspect being a disputed issue. Suffice to say the petitioners did work for the institution either voluntarily or on orders of the Court or on account of omission on the part of the administration. Some of the petitioners were also granted Regular scales of pay on par with the regular employees. But the question is whether the action of T.T.D. is illegal and if so what relief could be granted to them. The learned Counsel for T.T.D. submits that since the petitioners were not appointed in accordance with the rules, they cannot have any right to contend that they are the employees. Further whenever their volunteer service was not required they

were disengaged. He relies on the judgments of the Supreme Court, reported in State of Madhya Pradesh and others Vs. Ramesh Kumar Sharma, . State of Himachal Pradesh v. Suresh Kumar Varma, 1996 (2) SCC 592. State of Himachal Pradesh, through the Secretary, Agriculture to the Govt. of Himachal Pradesh Vs. Nodha Ram and others, . Sub-Divisional Inspector of Post, Vaikam, and others Vs. Theyyam Joseph, etc.,, . Madhyamik Siksha Parishad, U.P. Vs. Anil Kumar Mishra and others etc., . He also submits that when a mistake was committed by T.T.D. it is always open for it to rectify the same. He relies on the judgment of the Supreme Court in S. Nagaraj and Others Vs. State of Karnataka and Another, . It is true that the petitioners were not appointed in accordance with the Rules, but the fact remains that they did work for some time on daily rate / honorarium and for some period on regular pay scales and finally they were discharged. It is also the case of T.T.D. that 25 even under CO. 212, they cannot be absorbed as they did not fulfil the criteria laid down therein.

8. The petitioners were engaged to cope up with the heavy inflow of devotees on certain occasions and by the omissions of T.T.D. some of the petitioners were continued for quite some time. The petitioners have not been able to establish their right to continue in service. As seen earlier, it is only when the resolutions are passed for regular appointments and approved by the Government, they may get right of appointment. The engagement of the petitioners is spread over from 1985 and there was gap of over four to five years and again they were reinducted in 1991 for various reasons. They have worked only for few days in 1985,1986 to 1988. In 1991 and thereafter their engagement was on account of resolutions passed by the respondent and also orders of this Court in number of Writ Petitions. They were engaged as Volunteers and after some time they were paid honorarium. Subsequently 40 they were paid consolidated wages and finally the T.T.D. granted regular scales of pay. By this process they cannot get the status of regularly recruited employee under T.T.D. Orders were passed by the T.T.D. for taking back some persons as Volunteers and after certain amount of litigation final orders were passed terminating them from service. The impugned order speaks for itself. Entire matter from the inception was discussed. Under these circumstances, I do not find any irregularity or illegality in the impugned order.

9. As a last straw in camel's mouth, the learned Counsel for petitioners urged that since the petitioners admittedly worked for some time either under valid or invalid orders, their cases should be considered sympathetically. It is now settled that this Court under Article 226 of the Constitution of India is empowered to grant relief to the citizen and pass appropriate orders for advancing cause of justice. Admittedly, the petitioners had worked for the Institution on special occasion.

10. Under these circumstances and to give quietus to the decade old problem, I am inclined to dispose of the writ petition with the following directions:

1. The 1st Respondent-T.T.D. shall prepare the seniority list of petitioners in all

the Writ Petitions and other similarly situate persons taking average of the days engaged from 1985 to 1995 (10 years). The list shall be prepared on the basis of records available with the T.T.D. only. The list so prepared shall be final.

2. The persons in the list shall be engaged on any special occasions or whenever extra man power is required.

3. Whenever regular recruitment takes place, the persons in the list shall also be considered along with the candidates sponsored by the Employment Exchange, if they possess the requisite qualifications and other eligibility requirements as per rules, but without insisting on sponsorship from the Employment Exchange.

11. The Writ Petition is disposed of with the above directions. No costs.