
(2022) 02 TEL CK 0057
In the Telangana High Court
Case No : Writ Petition No. 19443 Of 2009

S.Sridhar Reddy, Karimnagar District

APPELLANT

Vs

Govt. Of A.P. Hyderabad Another

RESPONDENT

Date of Decision : 21-02-2022

Acts Referred:

Constitution Of India, 1950 — Article 226
Charitable And Hindu Religious Institutions And Endowments Act, 1966 — Section 31(5), 107

Citation : (2022) 02 TEL CK 0057

Hon'ble Judges : P. Madhavi Devi, J

Bench : Single Bench

Advocate : K Udaya Sri

Final Decision : Dismissed

Judgement

1. This Writ Petition has been filed by the petitioner under Article 226 of the Constitution of India seeking a Writ of Mandamus declaring the proceedings Rc.No.A2/367/2009 dt.31.08.2009 including the show cause notice Rc.No.A2/367/2009 dt.19.05.2009 issued by the respondents as illegal, arbitrary and unjust and consequently set aside the same with a further direction to the respondents to continue the petitioner in the cadre of Senior Assistant with all consequential benefits and pass such other order or orders as this Hon'ble Court may deem fit and proper in the interest of justice.

2. Brief facts leading to the filing of this Writ Petition are that the petitioner joined as a Junior Assistant in E.C.M. Trust, J.N. Road, Hyderabad which is one of the Trusts under the A.P. Charitable & Hindu Religious Institutions and Endowments Act. Subsequently, he was transferred to the established of Sri Gayatri Matha and Sri Sai Baba Temple, Chaderghat, Hyderabad and while he was working as such, he was promoted as U.D. Clerk in the time scale of pay of Rs.1100 – 2050 and was retained at the very same temple vide proceedings L.Dis.No.D/1586/90 dt.11.05.1990. Thereafter, he worked at various temples

and on 08.05.2006 he was transferred to Sri Raja Rajeshwara Swamy Devasthanam, Vemulawada, Karimnagar District. On 19.05.2009, the petitioner was issued with a show-cause notice on the basis of Memo No.D1/36482/2007-1, dt.11.05.2009 issued by the Commissioner of Endowments Department, Andhra Pradesh, Hyderabad alleging that in terms of G.O.Ms.No.888, Revenue (Endowments-I) Department, dt.05.12.2000 one must pass Endowment Department Test Part-I & II and Accounts Test for Subordinate Officers Part-I for considering for promotion to the cadre of Senior Assistant from Junior Assistant cadre and since he did not pass the Accounts Test for Subordinate Officers Part-I, he was liable for reversion to the lower cadre post of Junior Assistant. The petitioner submitted his explanation on 23.05.2009, but by proceedings Rc.No.A2/367/2009 dt.31.08.2009, the petitioner was reverted to the post of Junior Assistant cadre on the ground that the petitioner has not acquired the pre-requisite qualification, i.e., passing of Accounts Test for Subordinate Officers Part-I as provided in the Rules issued under the Acts 17 of 1966 and 30 of 1987. Aggrieved by the said impugned orders, the present Writ Petition is filed.

3. Learned counsel for the petitioner, Smt. K. Udaya Sri, submitted that the qualification referred to in the show-cause notice for promotion to the cadre of Senior Assistant from Junior Assistant cadre in terms of G.O.Ms.No.888, Revenue (Endowments-I) Department, dt.05.12.2000 by the Memo dt.11.05.2009 was not applicable to the petitioner as he was promoted to the post of Senior Assistant on 11.05.1990, i.e., much before the said G.O. was issued. She submitted that the petitioner has possessed the requisite qualification for promotion to the post of Senior Assistant and was accordingly promoted to the cadre of Senior Assistant vide proceedings dt.11.05.1990 and hence, G.O.Ms.No.888 dt.05.12.2000 had no application to the promotions already effected prior to issuance of the G.O. Thus, according her, reverting the petitioner from the cadre of Senior Assistant to the cadre of Junior Assistant on the basis of the Rules framed in G.O.Ms.No.888 dt.05.12.2000 is illegal and without jurisdiction.

4. When the matter came up for admission, this Hon'ble Court was pleased to order status quo obtaining as on that day, i.e., on 14.09.2009.

5. The respondents had filed counter affidavit stating that even prior to the promotion of the petitioner, the pre-requisite qualifications for promotion to the Senior Assistant cadre were in existence. The respondents referred to G.O.Ms.No.1478, Revenue (Endowments-VI) Department, dt.17.11.1986 whereunder as per Section 31(5) read with Section 107 of the Endowments Act of 1966, passing of Endowments Department Test Part-I and II and passing of Accounts Test for Subordinate Officers Part I are pre-requisite qualifications for the promotions to Senior Assistant cadre. It is submitted that G.O.Ms.No.888 dt.08.12.2000 has superseded the earlier G.O. However, the pre-requisite qualifications continued in the G.O.No.888 also and therefore, the petitioner was erroneously promoted to the post of Senior Assistant without possessing the requisite qualifications.

6. A copy of G.O.Ms.No.1478 dt.17.11.1986 is annexed to the counter affidavit and as per the said G.O., for promotion to Senior Assistant, the tests to be passed are Accounts Test for Subordinate Officers Part-I and Endowments Department Test Parts-I and II. Therefore, the petitioner's contention that the requirement to pass the said tests was not existing at the time when he was promoted, is clearly not correct. In view of the same, it is held that the petitioner was promoted erroneously to the post of Senior Assistant.

7. In the result, the Writ Petition is dismissed. No order as to costs.

8. Pending miscellaneous petitions, if any, in this Writ Petition shall also stand dismissed.