APHC010143362018

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3333]**
(Special Original Jurisdiction)

MONDAY,THE TWENTY SECOND DAY OF JUNE
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SMT JUSTICE V.SUJATHA

WRIT PETITION NO: 6294/2018

Between:

1. KHADKA NARAYANA,, S/O. JAGANNADHAM, AGED 33 YEARS, OCC GURKHA, R/O. 8-253, S.ANNAVARAM, TUNI, EAST GODAVARI DISTRICT.

2. SARIPALLI RAJULU,, S/O. YERRAYYA, AGED 43 YEARS, OCC GARDENER, R/O. RAJUPETA VILLAGE, VELAMA KOTHURU POST, TUNI MANDAL, EAST GODAVARI DISTRICT.

3. BALEPALLI RAVI,, S/O. LATE NARAYANAMURTHY, AGED 40 YEARS, OCC ATTENDER, R/O. LOVA KOTHURU, VELAMAPETA POST, TUNI MANDAL, EAST GODAVARI DISTRICT.

4. ALLAVARAPU SIVAJI,, S/O. ADINARAYANA, AGED 32 YEARS, OCC SECURITY GUARD, R/O. 9-11-364, 23RD WARD, RAMAKRISHNA COLONY, TUNI, EAST GODAVARI DISTRICT.

5. TAMARANA SRINIVASA RAO,, S/O.MARIDI BABU, AGED 36 YEARS, OCC ELECTRICIAN, R/O. TALLURU POST, TUNI MANDAL, EAST GODAVARI.

6. VANGALAPUDI RAMANA BABU,, S/O. ADINARAYANA, AGED 37 YEARS, OCC SECURITY GUARD, R/ O. 4-197, LOVA KOTHURU VILLAGE, VELAMPETA, TUNI, EAST GODAVARI DISTRICT.

7. BRAJRAJ RAI,, S/O. MG LAMDEV RAI, AGED 26 YEARS, OCC GURKHA, R/O. 8-253, S.ANNAVARAM, TUNI MANDAL, EAST

GODAVARI DISTRICT.

...PETITIONER(S)

AND

1. THE STATE OF ANDHRA PRADESH, REP BY ITS PRINCIPAL SECRETARY, REVENUE(ENDOWMENTS) DEPARTMENT, SECRETARIAT, VELAGAPUDI, AMARAVATHI, ANDHRA PRADESH.
2. THE COMMISSIONER, ENDOWMENTS DEPARTMENT, ANDHRA PRADESH, GOLLAPUDI, VIJAYAWADA, KRISHNA DISTRICT.
3. SRI TALUPULAMMA AMMAVARI TEMPLE, LOVA VILLAGE, TUNI MANDAL, EAST GODAVARI DISTRICT, REP BY ITS EXECUTIVE OFFICER.

...RESPONDENT(S):

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 to issue a writ order or direction more particularly, one in the nature of Writ of Mandamus, declaring the action of the respondents in not extending the time scale to the petitioners in the 3rd respondent temple for the posts held by petitioners as Gurkha, Gardner, Attender, Security Guard, Electrician etc., as illegal, arbitrary, improper, unjust, violative of Article 14, 19 and 21 of Constitution of India and consequently direct the 3rd respondent to extend the time scale to the petitioners in the 3rd respondent temple and grant all consequential benefits including the monetary benefits and grant

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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 3rd respondent to extend the minimum time scale to the petitioners attached to their respective posts in the cadre of Gurkha, Gardner, Attender, Security Guard, Electrician etc., in the 3rd respondent temple, pending disposal of the writ petition and pass

Counsel for the Petitioner(S):

1. V S K RAMA RAO

Counsel for the Respondent(S):

1. KOTESWARA RAO KAPPERA SC For Endowments (MA)
2. KOTESWARA RAO KAPPERA SC For Endowments

The Court made the following:

ORDER:

This Writ Petition came to be filed under Article 226 of the Constitution of India, seeking the following prayer:

> "to issue a writ order or direction more particularly, one in the nature of Writ of Mandamus, declaring the action of the respondents in not extending the time scale to the petitioners in the 3rd respondent temple for the posts held by petitioners as Gurkha, Gardner, Attender, Security Guard, Electrician etc., as illegal, arbitrary, improper, unjust, violative of Article 14, 19 and 21 of Constitution of India and consequently direct the 3rd respondent to extend the time scale to the petitioners in the 3rd respondent temple and grant all consequential benefits including the monetary benefits and grant"

2. When the writ petition came up for hearing on 27.02.2018, this Court passed the following interim order in I.A.No.1 of 2018:

> "Pending further orders, in view of the decision of the Supreme Court of India in **State of Punjab Vs. Jagjit Singh and others (2017 (1) SCC 148)**, the 3rd respondent shall examine whether the petitioners are performing the duties of the regular posts of Gurkha, Gardner, Attender, Security Guard, Electrician etc., in the 3rd respondent temple and whether they hold the requisite qualifications, and if both these conditions are fulfilled, within four (4) weeks, the 3rd respondent shall release the minimum timescale to the petitioners attached to their respective posts in the corresponding cadre in the 3rd respondent temple."

3. Heard Sri. V.S.K. Rama Rao, learned counsel for the petitioners and Sri. K. Koteswara Rao, learned Standing Counsel for the respondents.

4. During the course of hearing, learned counsel for the petitioners stated that pursuant to the interim orders passed by this Court, the respondents have released the time scale in favour of the petitioners, attached to their respective post in the corresponding cadre in the 3rd respondent temple, but, however, the respondents have reduced the minimum time scale attached to petitioners' respective posts and also ordered for recovery of the excess amount already paid to the petitioners; aggrieved by the said action, the petitioners have filed W.P.No.38497 of 2018, which is pending consideration.

5. Perused the material available on record. It is evident that pursuant to the interim order granted by this Court on 27.02.2018, the respondents have released the time scale in favour of the petitioners attached to their respective post in the corresponding cadre of the 3rd respondent temple. However, for some reason, the time scale released to the petitioners was reduced by the respondents, which is under challenge in W.P.No.38497 of 2018 before this Court. Hence, this Court is of the opinion that no further orders are necessary in the present writ petition and that the writ petition has become infructuous.

6. Accordingly, this writ petition is dismissed as infructuous. There shall be no order as to costs.

Consequently, Miscellaneous Petitions, if any, pending in this Petition shall stand closed.

JUSTICE V.SUJATHA

22.06.2026
Gss