

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTY FIRST DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION No. 6864 of 2005

Between:

G.M.Ravikanth, S/o. G.S.Manjunath,

Aged about 35 years, Jr.Assistant,

Sri Mahanandeswara Swamy Devasthanam,

Mahanandi, Kurnool District

..... PETITIONER

AND

Sri Mahanandeshwara Swamy Devasthanam,

Mahanandi, Kurnool District, rep.by its

Executive Officer/Deputy Commissioner

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or order or direction especially one in the nature of Mandamus (i) declare that it is not open to the respondent to punish the petitioner without processes of law is illegal, arbitrary and offends Articles, 14, 16 and 21 of the Constitution of India; (2) declare the impugned proceedings Rc.No.A1/356/2005, dated 23.03.2005 of the respondent as illegal, arbitrary and without jurisdiction and set aside the same; and (iii) to grant such other relief or reliefs.

Counsel for the Petitioner: MR.V.JOGAYYA SARMA

Counsel for the Respondent: MR.V.VENUGOPALARAO

The Court at the admission stage made the following:

ORDER:

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Challenging the proceedings in Rc.No.A1/356/2005, dated 23.03.2005, passed by the respondent, in placing the petitioner under suspension and also ordering recovery of Rs.71,340/- from him, the present writ petition is filed.

Heard the learned Counsel for the petitioner and the learned standing Counsel for the respondent.

As against the impugned proceedings, admittedly, a statutory appeal lies before the Commissioner of Endowments under Section 37 (3) (b) of the Endowments Act. Since it is not a case of violation of principles of natural justice or violation of fundamental right of the petitioner or the authority who issued the impugned proceedings lacks jurisdiction, without going into the merits of the case, I deem it appropriate to dispose of the writ petition, with a direction to the petitioner to file statutory remedy of appeal before the concerned, within a period of one month from the date of receipt of a copy of this order. Till then, no recovery shall be affected from the petitioner.

The Writ Petition is, accordingly, disposed of. No order as to costs.

Dated: 31.03.2005

Dsr

ASSISTANT REGISTRAR

To:

1. The Executive Officer/Deputy Commissioner,
Sri Mahanandeshwara Swamy Devasthanam,
Mahanandi, Kurnool District

2. Two CD copies