

**IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI**

**CC.NO.                      OF 2024**

**IN**

**WP.NO. 27788 OF 2016**

**RUNNING INDEX**

<b>Sl. No</b>	<b>Particulars.</b>	<b>Date of Document</b>	<b>Date of filing.</b>	<b>Page No.</b>
<b>1.</b>	<b>Contempt Petition &amp; Affidavit</b>	<b>12.01.2024</b>	<b>29.01.2024</b>	<b>1 - 9</b>
<b>2.</b>	<b>Copy of the Final Order in WP.No.27788 of 2016</b>	<b>08.04.2022</b>	<b>-do-</b>	<b>10 - 21</b>
<b>3.</b>	<b>Copy of the Writ Petition &amp; Affidavit in WP.No.27788 of 2016</b>	<b>17.08.2016</b>	<b>-do-</b>	<b>22 - 37</b>
<b>4.</b>	<b>Copy of the Postal Receipt's &amp; Courier Receipt's</b>	<b>---</b>	<b>-do-</b>	<b>38 - 39</b>
<b>5.</b>	<b>Copy of the Counter Affidavit filed by the 1<sup>st</sup> Respondent In WP.No.27788 of 2016</b>	<b>03.10.2016</b>	<b>-do-</b>	<b>40 - 45</b>
<b>6.</b>	<b>Copy of the Additional Counter Affidavit filed by the 1<sup>st</sup> Respondent In WP.No.27788 of 2016</b>	<b>02.02.2022</b>	<b>-do-</b>	<b>46 - 62</b>
<b>7.</b>	<b>Copy of the Counter Affidavit filed by the 4<sup>th</sup> Respondent In WP.No.27788 of 2016</b>	<b>20.09.2018</b>	<b>-do-</b>	<b>63 - 68</b>
<b>8.</b>	<b>Vakalat</b>	<b>12.01.2024</b>	<b>-do-</b>	<b>69</b>

**AT AMARAVATHI**

**Dated: 29.01.2024**

  
**COUNSEL FOR THE PETITIONER**

①

**Memorandum of Contempt Petition**

(Filed Under Article 215 of the Constitution of India & Read with

Sec.10 & 12 of Contempt of Courts Act)

**IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI**

**CC.NO. OF 2024**

**IN**

**W.P.NO. 27788 OF 2016**

**BETWEEN:**

1. N. Narayana Swamy, S/o.Obanna,  
Aged 53 years, Occ: Attender,  
Sri Veerabhadra Swamy Temple, Rayachoti,  
Y.S.R. Kadapa District.
2. M. Virupakshaiah, S/o. Basavaraju Swamy,  
Aged 36 years, Occ: Cook,  
Sri Veerabhadra Swamy Temple, Rayachoti,  
Y.S.R. Kadapa District.
3. K. Mallikarjuna, S/o. Eeswaraiaha, Aged 37 years,  
Occ: Paricharika, Sri Veerabhadra Swamy Temple,  
Rayachoti, Y.S.R. Kadapa District.
4. K. Nageswarayya, S/o. Nagesem, Age 39 years,  
Occ: Archaka, Sri Veerabhadra Swamy Temple,  
Rayachoti, Y.S.R. Kadapa District.

**...PETITIONERS/WRIT PETITIONERS.**

**AND**

Sri S. Satyanarayana, IAS, Commissioner of Endowments,  
Endowments Department, A.P., Gollapudi, Vijayawada,  
Krishna District.

**...RESPONDENT/RESPONDENT No. 4 in WP.**

The address for service of all notices summons and process on the above named Petitioner is that of his Advocate/ Counsel, **Mr.N.Ashwani Kumar (11879) Advocate**, and **Mr.K.Ajay Kumar, Mr.U.Raghava Krishna, Mr.A.Ravi**

(2)

Kiran, and Mr.K. Trinath Ms.K.Rithvika, Advocates, 3<sup>rd</sup> Floor, Invicon Corporate Offices Building, Door.No.60-3-11/2, Old No.5 Bus Route, RamachandraNagar, Besides KKR Gowtham School, Besides Metropolitan Hotel Road, Vijayawada-520008. Contact Details: Clerk Kiran: +91-9676309886.

For the reasons stated in the accompanying affidavit, it is prayed that in the interests of justice, this Hence, it is prayed that in the interests of justice, this Hon'ble Court may be pleased to summon the Respondent herein and punish him under Sections 10 and 12 of the Contempt of Courts Act for willfully violating the order dated 08.04.2022 in WP.No.27788 of 2016 and pass such other order or orders as this Hon'ble Court deems fit and proper in the circumstances of the case.

AT AMARAVATHI

Dated: 22.01.2024

  
COUNSEL FOR THE PETITIONER

(3)

**IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI****CC.NO. OF 2024****IN****W.P.NO. 27788 OF 2016****BETWEEN:**

1. N. Narayana Swamy, S/o. Obanna,  
Aged 53 years, Occ: Attender,  
Sri Veerabhadra Swamy Temple, Rayachoti,  
Y.S.R. Kadapa District.
2. M. Virupakshaiah, S/o. Basavaraju Swamy,  
Aged 36 years, Occ: Cook,  
Sri Veerabhadra Swamy Temple, Rayachoti,  
Y.S.R. Kadapa District.
3. K. Mallikarjuna, S/o. Eeswaraiah, Aged 37 years,  
Occ: Paricharika, Sri Veerabhadra Swamy Temple,  
Rayachoti, Y.S.R. Kadapa District.
4. K. Nageswarayya, S/o. Nagesem, Age 39 years,  
Occ: Archaka, Sri Veerabhadra Swamy Temple,  
Rayachoti, Y.S.R. Kadapa District.

**...PETITIONERS/WRIT PETITIONERS.****AND**

Sri S. Satyanarayana, IAS, Commissioner of Endowments,  
Endowments Department, A.F., Gollapudi, Vijayawada,  
Krishna District.

**...RESPONDENT/RESPONDENT No. 4 in WP.****AFFIDAVIT FILED BY THE PETITIONER**

I, Narayana Swamy, S/o. N. Obanna, aged about 53 years, Occupation-  
Attender, Sri Veerabhadra Swamy Temple, Rayachoti, YSR Kadapa District, R/o.  
69/95 Old Post Office, Rayachoti, YSR Kadapa, Andhra Pradesh- 516 269,

(4)

having temporarily come down to Amaravati, do hereby solemnly and sincerely affirm and state on oath as follows:

1. I am the 1<sup>st</sup> Petitioner herein and am authorized to depose on behalf of the other Petitioners as well and as such I am well acquainted with the facts and circumstances of the case.

2. The above referred Writ Petition was filed challenging the action of the Respondents in failing to regularize the services of the Petitioners herein in the 1<sup>st</sup> Respondent Temple, in terms of circular instructions of the 2<sup>nd</sup> Respondent vide Rc. No. J2/12961/91 dated 07.04.2000 and denying the entitlement of P.R.C. scale for the Petitioners as being highly illegal, arbitrary and unconstitutional.

3. It is respectfully submitted that vide D. Dis. No. B4/2419/2004 RJC dated 10.12.2004, the Regional Joint- Commissioner has accorded permission to the Executive Officer of the 1<sup>st</sup> Respondent Temple, to engage one sweeper and two attenders on contract basis at Rs. 40/- per day, subject to the posts available in the cadre strength of the 1<sup>st</sup> Respondent Temple, on a condition that the establishment charges should be below 30% of Assessable Income of the Temple and directed the Executive officer of the 1<sup>st</sup> Respondent Temple take to necessary action.

4. It is humbly submitted that in pursuance of the aforesaid proceedings of the Regional Joint Commissioner dated 10.12.2004, the Executive Officer of the 1<sup>st</sup>



Respondent Temple issued Rc. No: 90/2004 dated 14.12.2004, engaging 1<sup>st</sup> Petitioner in the 1<sup>st</sup> Respondent Temple as an Attender, on payment of daily wages of Rs. 40/per day on contract basis and further directed me to join duty. It is further submitted that the 3<sup>rd</sup> Respondent issued proceedings D.Dis.No.A1/819/04 dt. 25.02.2005 fixing the cadre strength with 2 Attenders (Secular Staff) 4 Archakas (Religious Staff), 1 Cook and 4 Paricharikas (Contract Basis) among other posts in the 1<sup>st</sup> Respondent Temple. Thereafter, on further request of the manager of 1<sup>st</sup> Respondent Temple on 17.11.2008, the 3<sup>rd</sup> Respondent issued proceedings L.Dis. No. B4/1455/2008 RJC dated 16.09.2009, permitting the manager of the 1<sup>st</sup> Respondent Temple to enhance the daily remuneration of Attender from Rs. 90/- per day to Rs. 140/- per day. It is further submitted that in pursuance of the circulars issued by the Respondent Nos 3 and 4, the 1<sup>st</sup> Respondent issued proceedings enhancing and fixing the daily wages of the Petitioner as Rs. 150/- per day, with a consolidated monthly pay of Rs. 4,500/-.

5. It is humbly submitted that the 3<sup>rd</sup> Respondent issued proceedings L. Dis. No B4/4266/2012, Rjc dated 12.07.2012, according permission to the Executive Officer of the 1<sup>st</sup> Respondent Temple to enhance salaries of the secular staff of the 1<sup>st</sup> Respondent Temple with effect from 01.07.2012, subject to a condition that the establishment charges should be below 30% on assessable income of the temple and accordingly accorded permission to enhance salary of Attender from Rs. 4500/- per month to Rs. 5,000/- per month. It is further submitted that

(6)

the 3<sup>rd</sup> Respondent on a further request from the Executive Officer of the 1<sup>st</sup> Respondent Temple on 20.04.2014 issued proceedings L. Dis. No. B4/2034/2014 dated 23.04.2014 further enhancing the salaries from Rs. 5,000/- per month to Rs.8,000/- w.e.f April 2014. The 1<sup>st</sup> Petitioner has completed 12 years of service by March 2016 and was drawing monthly salary of Rs. 10,000/-.

6. It is humbly submitted that as per the circular instructions of the 2<sup>nd</sup> Respondent vide Rc. No. J2/12961/91 dated 07.04.2000, persons with 5 years of service are entitled to be regularized subject to the availability of the post, having minimum qualifications and that there should be a sanctioned post. It is respectfully submitted that I hold a degree in Bachelors of Commerce from Sri Venkateswara University, Tirupati and have the required and necessary qualifications for the post of attender.

7. It is further submitted that the 3<sup>rd</sup> Respondent vide proceedings D.Dis.No.A1/819/04 dated 25.02.2005 had sanctioned 2 posts of Attenders in the 1<sup>st</sup> Respondent Temple, however, failed to fill the posts by duly issuing an open advertisement and have been utilizing the services of the 1<sup>st</sup> Petitioner in the said post by paying meagre salaries. Therefore, in view of the circular dated 07.04.2000 and proceedings dated 25.02.2005, the 1<sup>st</sup> Petitioner submitted a detailed representation on 20.10.2014 to the Executive Officer of the 1<sup>st</sup> Respondent Temple requesting for the service/ case to be considered for regularization. In pursuance of the said representation, the Executive Officer the



1st Respondent Temple addressed a letter Rc.No. 58/2014 dated 20.10.20- requesting the 4<sup>th</sup> Respondent to consider the 1<sup>st</sup> Petitioner's case for regularization.

8. It is further submitted that in similar manner as like the 1<sup>st</sup> Petitioner, the 2<sup>nd</sup> Petitioner was appointed as cook, the 3<sup>rd</sup> Petitioner was appointed as Paricharika and the 4<sup>th</sup> Petitioner was appointed as Archaka in the 1<sup>st</sup> Respondent Temple, vide respective orders which are part and parcel of the Writ Affidavit. It is respectfully submitted that all the Petitioners herein have completed minimum of 5 years of service and have minimum qualifications required for being regularized as per 2<sup>nd</sup> Respondent's circular vide Rc. No. J2/12961/91 dated 07.04.2000.

9. It is further submitted that the Petitioners herein have the required and necessary qualifications for the respective posts of Attender, Cook, Paricharika and Archaka, as per the circular instructions of the 2<sup>nd</sup> Respondent vide Rc No J2/12961/91 dated 07.04.2000, but the Respondents have failed to consider the case of the Petitioners for service regularization. Therefore, the Petitioners herein aggrieved by the same filled WP No. 27788 of 2016 before this Hon'ble Court seeking to declare the actions of Respondents as illegal, arbitrary and unconstitutional. This Hon'ble Court was pleased to dispose of the said Writ Petition vide its order 08.04.2022, which reads as follows:

"8. Having regard to the facts and circumstances of the case; in view of the submissions of both the learned counsels and in view of the judgments cited above, this Court is of the considered view that, in similar circumstances, wherein similarly situated persons are entitled to be appointed on regular basis, the



(8)

respondent-Commissioner is directed to issue appropriate directions to the Executive Officer of the respondent-Devasthanam to regularize their services and to grant all consequential benefits. The entire exercise shall be completed within a period of two (02) months from the date of receipt of copy of this order.

9. Accordingly, the Writ Petition is disposed of. No order as to costs."

10. It is submitted that inspite of the above order, the Respondents herein have not considered the case of the Petitioners for regularization and are refusing to pass such orders entitling the Petitioners for PRC Scale, till date. The above said actions clearly amount to contempt and the Respondent herein is liable to be prosecuted for contempt of the clear orders passed by the Hon'ble High Court in the above in W.P.No.27788 of 2016 dated 08.04.2022. The said action therefore amounts to deliberate and willful violation of the orders of the Hon'ble High Court of Judicature of Andhra Pradesh. The Respondent herein was assuring the Petitioners of complying with the Order passed by this Hon'ble Court and the assurance was trusted by the Petitioner that it would complied within Six (6) months; but, till date, the said Order dated 08.04.2022 had not been implemented or complied.

11. The said deliberate act of the Respondent in disobeying the orders passed by the Hon'ble High Court clearly amounts to contempt and the Respondent herein is liable to be prosecuted for contempt, for having willfully not complied with the orders passed by the Hon'ble High Court in W.P.No.27788 of 2016 dated 08.04.2022. The said action therefore amounts to deliberate and willful violation of the orders of the Hon'ble High Court of Judicature of Andhra Pradesh.

(9)

12. It is submitted that the Respondent herein is well aware and is in complete knowledge of the orders of this Hon'ble Court and only with a willful and deliberate intent has violated the order passed by this Hon'ble Court. Irreparable loss, injury and grave injustice is being caused to Petitioners herein.

13. Hence, it is prayed that in the interest of justice, this Hon'ble Court may be pleased to summon the Respondent herein and punish him under Sections 10 and 12 of the Contempt of Courts Act for willfully violating the order dated 08.04.2022 in WP.No.27788 of 2016 and pass such other order or orders as this Hon'ble Court deems fit and proper in the circumstances of the case.

Solemnly and signed before me  
On this 12<sup>th</sup> Day of January, 2024

DEPONENT

BEFORE :: ME

ADVOCATE :: AMARAVATI

**VERIFICATION**

I, Narayana Swamy, S/o. N. Obanna, aged about 53 years, Occupation- Attender, Sri Veerabhadra Swamy Temple, Rayachoti, YSR Kadapa District, R/o. 69/95 Old Post Office, Rayachoti, YSR Kadapa, Andhra Pradesh- 516 269, having temporarily come down to Amaravati, do hereby verify that all the contents stated in the above paras are true and correct to the best of my knowledge and belief and rest of the paras are believed to be true on legal advice from my Counsel. Hence, verified on 12<sup>th</sup> Day of January, 2024 at Amaravati.

  
COUNSEL FOR THE PETITIONER

DEPONENT

10

**IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI  
(Special Original Jurisdiction)**

**FRIDAY, THE EIGHTH DAY OF APRIL  
TWO THOUSAND AND TWENTY TWO**

**PRESENT**

**THE HON'BLE DR. JUSTICE K. MANMADHA RAO**

**WRIT PETITION NO: 27788 OF 2016**



**Between:**

1. N. Narayana Swamy, S/o. N. Obanna Aged about 44 years, Occ: Attender, Sri VeerabhadraSwamy Temple, Rayachoti, YSR Kadapa - 516 269. Andhra Pradesh, R/o. 69/95, Old Post Office, Rayachoti, YSR District.
2. M. Virupakshaiah, S/o. M. BasavarajuSwamy, Aged about 29 years, Occ: Cook, Sri VeerabhadraSwamy Temple, Rayachoti, YSR Kadapa - 516 269. Andhra Pradesh, R/o. 69/112A, Temple Street, Rayachoti, YSR District.
3. K. Mallikarjuna, S/o. Eswaraiah Aged about 30 years, Occ: Paricharika, Sri VeerabhadraSwamy Temple, Rayachoti, YSR Kadapa - 516 269. Andhra Pradesh, R/o. 67/112B, Temple Street, Rayachoti, YSR District.
4. K. NageshwarayyaSwamy, S/o. Nagesem, Aged about 32 years, Occ: Archaka, Sri VeerabhadraSwamy Temple, Rayachoti, YSR Kadapa - 516 269. Andhra Pradesh, R/o. 67/112C, Temple Street, Rayachoti, YSR District.

**...PETITIONERS**

**AND**

1. Sri VeerabhadraSwamy Temple, Rep. by its Executive Officer, Rayachoti, YSR Kadapa - 516 269. Andhra Pradesh,
2. State of Andhra Pradesh, Rep. by its Principal Secretary, Endowments Department, AP Secretariat, Hyderabad.
3. The Regional Joint Commissioner, Multi Zone- II, Endowments Dept., Tirupati, Chittoor District, A.P.
4. The Commissioner of Endowments, Govt. of Andhra Pradesh, Dharmika Bhavan, Boggulakunta, Tilak Road, Hyderabad.

**...RESPONDENTS**

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 issue a Writ, Order or Direction, more particularly one in the nature of a "Writ of Mandamus" to declare the action of the Respondents in not following circular instructions vide proceedings Rc.No.J2/12961/91 dated 07.04.2000 for regularization of the service of the Petitioner as being illegal, arbitrary in violation of Articles 14, 16(1), 19 and 21 of Constitution of India and consequently direct the 1<sup>st</sup> Respondent to regularize the service of the Petitioner in terms of the circular Rc.No.J2/12961/91 dated 07.04.2000 issued by the 4<sup>th</sup> Respondent.

**I.A. NO: 1 OF 2016(WPMP. NO: 34422 OF 2016)**

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the Respondents to consider the representation of the Petitioner for regularization of his services in terms of circular Rc.No.J2/12961/91 dated 07.04.2000 and to pay the regular scale of pay to the Petitioner as per his eligibility and suitability instead of giving consolidated pay.

**Counsel for the Petitioners: SRI N. ASHWANI KUMAR**

**Counsel for the Respondent No.1 : SRI G. RAMANA RAO, SC FOR ENDOWMENTS**

**Counsel for the Respondent Nos.2 to 4 : GP FOR ENDOWMENTS**

**The Court made the following: ORDER**

11

**HON'BLE DR. JUSTICE K. MANMADHA RAO**

**WRIT PETITION No.27788 of 2016**

**ORDER :**

This petition is filed under Article 226 of the Constitution of India claiming the following relief:-

*"to issue a Writ, order or direction, more particularly one in the nature of WRIT OF MANDAMUS, to declare the action of the Respondents in not following circular instructions vide proceedings Rc.No.J2/12961/91 dated 07.04.2000 for regularization of the service of the petitioner as being illegal, arbitrary in violation of Articles 14, 16(1), 19 and 21 of the Constitution of India and consequently direct the 1<sup>st</sup> respondent to regularize the service of the petitioner in terms of the circular Rc.No.J2/12961/91, dated 07.04.2000 issued by the 4<sup>th</sup> respondent and pass such other order or orders....."*

2. Brief facts of the case are that vide D.Dis.No.B4/2419/2004 RJC dated 10.12.2004, the 3<sup>rd</sup> respondent has accorded permission to the Executive Officer of the 1<sup>st</sup> respondent temple, to engage one sweeper and two attenders on contract basis at Rs.40/- per day, subject to the posts available in the cadre strength of the 1<sup>st</sup> respondent temple, on a condition that the establishment charges should be below 30% of Assessable Income of the temple and directed the Executive Officer to take necessary action. In pursuance of the aforesaid proceedings dated 10.12.2004, the Executive Officer has issued Rc.No.90/2004, dated 14.12.2004 engaging the 1<sup>st</sup> petitioner as an Attender, on payment of daily wages of Rs.40/- per day on contract basis and further directed him to join duty. Thereafter, the 3<sup>rd</sup> respondent issued proceedings

12

vide D.Dis.No.A1/819/04, dated 25.02.2005 fixing the cadre strength, with two attenders (Secular staff), 4 Archakas (Religious Staff) 1 Cook and 4 Parcharikas (Contract basis) among other posts in the 1<sup>st</sup> respondent temple.

The 3<sup>rd</sup> respondent vide proceedings D.Dis.No. A1/ 819/ 04, dated 25.02.2005 had sanctioned 2 posts of Attenders in the 1<sup>st</sup> respondent temple. However, the respondents have failed to fill the posts by duly issuing an open advertisement and have been utilizing the services of the petitioner in the said post by paying meager salaries and therefore, in view of the circular dated 07.04.2000 and proceedings dated 25.02.2005, the 1<sup>st</sup> petitioner submitted a detailed representation on 20.10.2014 to the Executive Officer of the 1<sup>st</sup> respondent temple requesting his service/case to be considered for regularization as he had completed 12 years of service and for granting regular pay scales attached to the post of Attender. In pursuance of the said representation, the Executive Officer addressed a letter to the 4<sup>th</sup> respondent vide Rc.No.58/2014 dated 20.10.2014 to consider the case of 1<sup>st</sup> petitioner for regularization.

As per the circular instructions of the 2<sup>nd</sup> respondent vide Rc No.J2/12961/1991 dated 07.04.2000, the petitioners herein have the required and necessary qualifications for the respective posts of Attender, Cook, Paricharika and Archaka, the persons with 5 years of service are entitled to be regularized subject to the availability of the post. As the respondents have failed to consider the case of the petitioners

for regularization to the sanctioned post of Attender in the 1<sup>st</sup> respondent temple and for entitlement to the PRC scales even though the petitioners hold the requisite qualification and criteria, the present writ petition is filed.

3. The 1<sup>st</sup> respondent filed counter denying all the averments made in the petition and contended that the petitioners were initially appointed on daily wages in the year 2004 and 2005 with prior permission of the competent authority and later were converted into Contract basis. The petitioners instead of approaching the present respondent who is competent to address their grievances have bypassed the same and directly approached this Hon'ble Court on the said ground alone. Hence, the writ petition is liable to be dismissed.

It is further submitted that earlier the 1<sup>st</sup> petitioner and another gave a representation to the Commissioner Endowments Department, Hyderabad on 23.09.2015 for regularization of their services without the knowledge of the present respondent. But the request of the 1<sup>st</sup> petitioner and another working in the secular establishment of Sri Veerabhadraswamy Temple Rayachoty Town has been rejected as the Government has prohibited further recruitments vide G.O.Rt.No.1997, dated 18.10.2005. It is pertinent to mention here that the four writ petitioners were appointed prior to the issue of the above G.O.Rt.No.1997.

It is further submitted that the 1<sup>st</sup> petitioner's additional qualifications are not required for the respondent temple as the minimum qualification for the Attender post is Intermediate. As per the Circular instructions issued by the 4<sup>th</sup> respondent in RcNo.J2/12961/91, dated 07.04.2000, persons with 5 years of service are entitled to be regularized. The 4<sup>th</sup> respondent is the competent authority for the regularization of services and also fixation of pay scales. It is further submitted that the 3<sup>rd</sup> respondent had sanctioned 2 posts of Attenders in the 1<sup>st</sup> respondent temple and also religious staff vide D.Dis.No.A1/819/04, dated 25.02.2005. Since the 4<sup>th</sup> respondent is competent authority for the enhancement of remuneration, salaries of temple staff, permission was accorded for the enhancement of the remuneration of Rs.3,500/- to the 4<sup>th</sup> petitioner and also to the 2<sup>nd</sup> petitioner.

It is further submitted that the 2<sup>nd</sup> petitioner appeared and cleared "Aagama Examination" conducted in the year 2007 and the Endowments Department issued a certificate that the 2<sup>nd</sup> petitioner had cleared the said examination. The said exam is no way relevant for the 1<sup>st</sup> petitioner who is working as a cook in the respondent temple. In this case the petitioners are continuing as contract employees. Regularization of Contract Employees in any department is a Government policy and the cases of contract employees irrespective of length of service will be considered by the Government. It is further submitted that regularization of contract employees in all departments including Endowment Departments is a state level policy and

15

the request of the petitioners will be considered after receipt of orders from the 2<sup>nd</sup> respondent. Government only. Hence, prayed to dismiss the writ petition.

4. Additional counter affidavit filed by the 1<sup>st</sup> respondent *inter alia* contended that this respondent Devasthanam was published under Section 6(a) of the Act 3C of 1987. Initially in the year 2005, the 3<sup>rd</sup> respondent sanctioned cadre strength to the 1<sup>st</sup> respondent Devasthanam as follows:

Senior Assistant-1	Mukya Archaka-2	Record Assistant-2
Junior Assistant-2	Archaka - 4	Scavengers - 1
Attenders -2 ]	Veda Aparayana-1	Bhajantries -3
Watchmen - 2		Cook -1
Sweepers - 2		Ticket Clerk - 1
Electrician - 1		Paricharika-3

It is further submitted\* that the 4<sup>th</sup> respondent issued proceedings vide Rc.No.C1/228555E/2019-1, dated 15.2.2019 by which cadre strength so far as religious staff concerned is re-fixed as follows:

S.No.	Name of the Post	Existing	Additional Posts sanctioned	Total No.of posts sanctioned.
1	Pradhana Archaka	-	1	1
2	Mukya Archaka	2	-	2
3	Archaka	4	-	4
4	Paricharika	3	(- )3	-



It is further submitted that the 4<sup>th</sup> respondent issued proceedings vide R.Dis in Rc.NoC1/2285558/2019-1, dated 01.03.2019 by which an Erratum was issued so far as religious staff is concerned as follows:

S.No.	Name of the Post	Existing	Additional Posts sanctioned	Total No.of posts sanctioned.
1	Pradhana Archaka	1		Existing post abolished
2	Upa Pradhana Archaka	-	1+1	2
3	Mukya Archaka	2	-1	1
4	Archaka	4	-	4
5	Paricharika	3	(-)3	-

It is further submitted that initially the 4<sup>th</sup> respondent given permission to engage one Sweeper and Two Attenders on Contract Basis vide proceedings dated 28.09.2004. Consequently, the 3<sup>rd</sup> respondent issued proceedings dated 10.12.2004 by which the 1<sup>st</sup> respondent was permitted to engage the above personnel on contract basis @ Rs.40/- per day subject to availability in the cadre strength of the subject temple and the Establishment charges should be below 30% of the Assessable income of the temple.

It is further submitted that the 4<sup>th</sup> respondent was given permission to the 1<sup>st</sup> respondent vide proceedings dated 15.03.2004 to engage one Cook on contract basis @ Rs.75/- per day for a period of 11 months with a gap of one day in a week. Thereafter, the 3<sup>rd</sup> respondent has issued proceedings dated 9.5.2005 to engage one Paricharika on contract basis @

7  
17

Rs.30/- per day for period of 11 months and later the 4<sup>th</sup> respondent issued proceedings dated 14.6.2002 given permission to the 1<sup>st</sup> respondent to engage two Archakas on contract basis @ Rs.15/- for a period of 11 months. In all the 4 above said posts, all the petitioners have been continuing and discharging duties as on today and their payment has been enhanced from time to time as per the instructions of 4<sup>th</sup> respondent and given minimum time scale as per the PRC 2015 i.e., Rs.13,000/- , 18,000/-, 18,000/- 20,000/-. It is further submitted that the petitioners seeking regularization of their services in the present cadre in terms of circular instructions vide proceedings Rc.NoJ2/12961/91, dated 07.04.2000. Section 35 of the Act 30 of 1987, permission has to be taken from the competent authority prior of appointment of any vacancy whether it is temporary or permanent within the cadre strength. As per Section 35 of Act 30 of 1987, the Commissioner of Endowments/4<sup>th</sup> respondent herein is the competent authority for appointment of any post either in temporary or regular vacancy within the cadre strength. Therefore the 1<sup>st</sup> respondent is not competent to regularize the services of the petitioners in the present cadre.

It is submitted that the Government issued G.O.Rt.No.1997 Revenue (Endowments-I) Department, dated 18.10.2005 by which prohibited further recruitment of all administrative staff in Hindu Religious and Endowments Institutions until further orders by taking into consideration of large scale irregular appointments by the concerned executive

18

officers, even in the absence of cadre strength and without following the rules and regulations, thereby causing unnecessary financial burden which is contrary to proviso to sub-section(i)(2) of Section 57 of Act, 30, 1987.

It is further submitted that in terms of the relevant rules and after a proper competition among the qualified persons, the same would not confer any right on the appointee. Similarly a temporary employee could not claim to be more permanent on the expiry of his term of appointment. In similar circumstances a large number of cases are pending before this Court and the petitioners have not challenged the ban orders imposed vide G.O.Rt.No.1997, dated 18.10.2005. Therefore, as long as ban orders are existing, the endowments department will not be in a position to initiate the recruitment process. Hence, prayed to dismiss the writ petition.

4. Heard Sri N. Aswani Kumar, learned counsel appearing for the petitioners and Sri G. Ramana Rao, learned Standing Counsel for Endowments appearing for the respondents.

5. On perusing the material available on record, it is true that the petitioners have been appointed by the 1<sup>st</sup> respondent temple on temporary basis in the years 2002 to 2005 and have been successfully served their duties in respective posts for more than ten years. He submits that the Government of Andhra Pradesh has issued Circular instructions through 4<sup>th</sup> respondent vide proceedings in

R.C.No.J2/12961/91, dated 07.04.2000, permitting the regularization of services of employees who have completed five years of service. In terms of the above proceedings, the petitioners are eligible for regularization of their services.

6. In a judgment of High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh in **U.V.S.R. Prasad and others Vs. State of Andhra Pradesh and others**<sup>1</sup>, wherein it was held in para-16, reads as under:

*"16. We have already noted the repeated requests of respondent No.2 made to respondent No.1 for regularization of the petitioners and other similarly situated persons by emphasizing on the need for such absorption/regularization. Unfortunately, the respondent No.1 has not accepted the request of respondent No.2 in this regard. It is brought to the notice of this Court that respondent No.2 has undertaken a selection process for filling up 13 vacancies of Work Inspectors and that though the same is completed, in view of the interim order granted by this Court, the posts were not filled up. Since appointment orders have not been issued to the selected candidates, they cannot claim indefeasible right. As the petitioners cannot be overlooked for regularization, the selection process initiated by respondent No.2 cannot be sustained. The Tribunal has not examined the case from proper perspective and misdirected itself in holding that the petitioners are not entitled for regularization/absorption as they do not satisfy the criteria laid down in G.O.Ms.No.212, dated 22.04.1994."*

7. In another case, the similar facts are decided by a common judgment of the Hon'ble High Court of Judicature for the State of Telangana and the State of Andhra Pradesh in **W.P.Nos.8399 & 8403 of 2010**, dated 27.02.2018.

<sup>1</sup> W.P.No.27217 of 2017, dated 19.09.2017

8. Having regard to the facts and circumstances of the case; in view of the submissions of both the learned counsels and in view of the judgments cited above, this Court is of the considered view that, in similar circumstances, wherein similarly situated persons are entitled to be appointed on regular basis, the respondent-Commissioner is directed to issue appropriate directions to the Executive Officer of the respondent-Devasthanam to regularize their services and to grant all consequential benefits. The entire exercise shall be completed within a period of two (02) months from the date of receipt of copy of this order.

9. Accordingly, the Writ Petition is disposed of. No order as to costs.

As a sequel, all the pending miscellaneous applications shall stand closed.

Sd/- K.SRINIVASA RAJU  
ASSISTANT REGISTRAR

//TRUE COPY//

6  
SECTION OFFICER

To,

1. The Executive Officer, Sri Veerabhadra Swamy Temple, Rayachoti, YSR Kadapa - 516 269. Andhra Pradesh.
2. The Principal Secretary, Endowments Department, State of Andhra Pradesh, AP Secretariat, Velagapudi, Amaravati, Guntur District.
3. The Regional Joint Commissioner, Multi Zone- II, Endowments Dept., Tirupati, Chittoor District, A.P.
4. The Commissioner of Endowments, Govt. of Andhra Pradesh, Vijayawada.
5. One CC to Sri N. Ashwani Kumar, Advocate [OPUC]
6. One CC to Sri G. Ramana Rao, SC for Endowments (OPUC)
7. Two CCs to GP for Endowments, High Court of Andhra Pradesh. (OUT)
8. Two C.D. Copies.

Cnr ✓

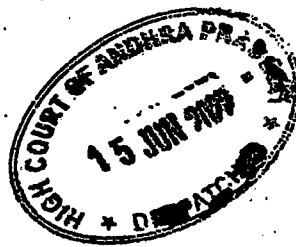
HIGH COURT

21

DATED:08/04/2022

ORDER

WP.No.27788 of 2016



DISPOSING OF THE W.P.  
WITHOUT COSTS

10  
15/6/22

**MEMORANDUM OF WRIT PETITION**  
 (Under Article 226 of Constitution of India)  
**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD FOR THE**  
**STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**  
 (Special Original Jurisdiction)

W.P.NO. 2278 OF 2016

**BETWEEN:**

1. N. Narayana Swamy, S/o. N. Obanna  
Aged about 44 years, Occ: Attender,  
Sri VeerabhadraSwamy Temple,  
Rayachoti, YSR Kadapa – 516 269.  
Andhra Pradesh,  
R/o. 69/95, Old Post Office,  
Rayachoti, YSR District.
2. M. Virupakshaiah, S/o. M. BasavarajuSwamy,  
Aged about 29 years, Occ: Cook,  
Sri VeerabhadraSwamy Temple,  
Rayachoti, YSR Kadapa – 516 269.  
Andhra Pradesh,  
R/o. 69/112A, Temple Street,  
Rayachoti, YSR District.
3. K. Mallikarjuna, S/o. Eswaraiah  
Aged about 30 years, Occ: Paricharika,  
Sri VeerabhadraSwamy Temple,  
Rayachoti, YSR Kadapa – 516 269.  
Andhra Pradesh,  
R/o. 67/112B, Temple Street,  
Rayachoti, YSR District.
4. K. NageshwarayyaSwamy, S/o. Nagesem,  
Aged about 32 years, Occ: Archaka,  
Sri VeerabhadraSwamy Temple,  
Rayachoti, YSR Kadapa – 516 269.  
Andhra Pradesh,  
R/o. 67/112C, Temple Street,  
Rayachoti, YSR District.

**AND**

**...PETITIONERS**

1. Sri VeerabhadraSwamy Temple,  
Rep. by its Executive Officer,  
Rayachoti, YSR Kadapa – 516 269.  
Andhra Pradesh,
2. State of Andhra Pradesh,  
Rep. by its Principal Secretary,  
Endowments Department, AP Secretariat,  
Hyderabad.
3. The Regional Joint Commissioner,

23

Multi Zone- II,  
Endowments Dept.,  
Tirupati, Chittoor District, A.P.

4. The Commissioner of Endowments,  
Govt. of Andhra Pradesh,  
Dharmika Bhavan, Boggulakunta,  
Tilak Road, Hyderabad.

...RESPONDENTS

The address for service of all notices summons and process on the above named petitioners is that of his counsel Mr.N.Ashwani Kumar (11879), Advocate, and Mr.K.Kiran Kumar, Mr.M.Avinash Reddy, and Ms.M.Vanajakshi, Advocates, H.No.8-2-693/PC/7, MITHILA NAGAR, BANJARA HILLS, Road No.12, HYDERABAD. PHONE: 9052219194, 040-23386984.

For the reasons stated above, it is prayed that this Hon'ble Court may be pleased to issue a Writ, Order or Direction, more particularly one in the nature of a "Writ of Mandamus" to declare the action of the Respondents in not following circular instructions vide proceedings Rc.No.J2/12961/91 dated 07.04.2000 for regularization of the service of the Petitioner as being illegal, arbitrary in violation of Articles 14, 16(1), 19 and 21 of Constitution of India and consequently direct the 1<sup>st</sup> Respondent to regularize the service of the Petitioner in terms of the circular Rc.No.J2/12961/91 dated 07.04.2000 issued by the 4<sup>th</sup> Respondent and pass such other order or orders as are deemed fit and proper in the facts and circumstances of the case.

Hyderabad

Date: 17.08.2016

  
Counsel for the Petitioners



24

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD FOR  
THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

W.P.NO. 2778 OF 2016

BETWEEN:

1. N. Narayana Swamy, S/o. N. Obanna  
Aged about 44 years, Occ: Attender,  
Sri VeerabhadraSwamy Temple,  
Rayachoti, YSR Kadapa – 516 269.  
Andhra Pradesh,  
R/o. 69/95, Old Post Office,  
Rayachoti, YSR District.
2. M. Virupakshaiah, S/o. M. BasavarajuSwamy,  
Aged about 29 years, Occ: Cook,  
Sri VeerabhadraSwamy Temple,  
Rayachoti, YSR Kadapa – 516 269.  
Andhra Pradesh,  
R/o. 69/112A, Temple Street,  
Rayachoti, YSR District.
3. K. Mallikarjuna, S/o. Eswaraiah  
Aged about 30 years, Occ: Paricharika,  
Sri VeerabhadraSwamy Temple,  
Rayachoti, YSR Kadapa – 516 269.  
Andhra Pradesh,  
R/o. 67/112B, Temple Street,  
Rayachoti, YSR District.
4. K. NageshwarayyaSwamy, S/o. Nagesem,  
Aged about 32 years, Occ: Archaka,  
Sri VeerabhadraSwamy Temple,  
Rayachoti, YSR Kadapa – 516 269.  
Andhra Pradesh,  
R/o. 67/112C, Temple Street,  
Rayachoti, YSR District.

...PETITIONERS

AND

1. Sri VeerabhadraSwamy Temple,  
Rep. by its Executive Officer,  
Rayachoti, YSR Kadapa – 516 269.  
Andhra Pradesh,
2. State of Andhra Pradesh,  
Rep. by its Principal Secretary,  
Endowments Department, AP Secretariat,  
Hyderabad.
3. The Regional Joint Commissioner,  
Multi Zone- II,  
Endowments Dept.,  
Tirupati, Chittoor District, A.P.

25

4. The Commissioner of Endowments,  
Govt. of Andhra Pradesh,  
Dharmika Bhavan, Boggulakunta,  
Tilak Road, Hyderabad.

...RESPONDENTS

AFFIDAVIT

I, N. Narayana Swamy, S/o. N. Obanna, aged about 44 years, Occ:  
Attender, Sri Veerabhadra Swamy Temple, Rayachoti, YSR Kadapa – 516 269,  
Andhra Pradesh, R/o. 69/95, Old Post Office, Rayachoti, YSR District, having  
temporarily come down to Hyderabad do hereby solemnly affirm and sincerely  
state on oath as follows:

1. I submit that I am the Petitioner herein and I am authorized to depose on  
behalf of the Petitioner Nos. 2, 3 and 4, as such I am well acquainted with the  
facts of the case.

2. The above Writ Petition is filed challenging the action of the Respondents  
in failing to regularize the services of the Petitioners in the 1<sup>st</sup> Respondent  
Temple, in terms of circular instructions of the 2<sup>nd</sup> Respondent vide  
Rc.No.J2/12961/91 dated 07.04.2000 and denying the entitlement of P.R.C.  
scale as being highly illegal, arbitrary and unconstitutional. A copy of the said  
proceedings Rc.No.J2/12961/91 dated 07.04.2000 is filed herewith as Annexure  
P – 1.

3. Briefly stated the facts giving rise to the filing of the above Writ Petition are  
as follows.

4. I submit that vide D.Dis.No.B4/2419/2004 RJC dated 10.12.2004, the 3<sup>rd</sup>  
Respondent has accorded permission to the Executive Officer of the 1<sup>st</sup>  
Respondent Temple, to engage one sweeper and two attenders on contract  
basis at Rs. 40/- per day, subject to the posts available in the cadre strength of  
the 1<sup>st</sup> Respondent Temple, on a condition that the establishment charges should  
be below 30% of Assessable Income of the Temple and directed the Executive

26

Officer of the 1<sup>st</sup> Respondent Temple to take necessary action. A copy of the said proceedings is filed herewith as Annexure P – 2.

5. I submit that in pursuance of the aforesaid proceedings of the 3<sup>rd</sup> Respondent dated 10.12.2004, the Executive Officer of the 1<sup>st</sup> Respondent Temple issued Rc. No: 90/2004 dated 14.12.2004, engaging me in the 1<sup>st</sup> Respondent Temple as an Attender, on payment of daily wages of Rs. 40/- per day on contract basis and further directed me to join duty. I further submit that the 3<sup>rd</sup> Respondent issued proceedings D.Dis.No. A1/819/04 dt. 25.02.2005 fixing the cadre strength, with 2 Attenders (Secular Staff), 4 Archakas (Religious Staff), 1 Cook and 4 Paricharikas (Contract Basis) among other posts in the 1<sup>st</sup> Respondent Temple. Copies of the proceedings Rc. No: 90/2004 dated 14.12.2004 and D.Dis.No.A1/819/04 dt. 25.02.2005 are herewith filed as Annexure P – 3 (Colly).

6. I submit that I have appeared and cleared both the theory as well as practical parts of the 'Survey Inspector Test' and the same was published in the Andhra Pradesh Gazette dated 16.03.2006. I further submit that the 3<sup>rd</sup> Respondent addressed a letter to the 4<sup>th</sup> Respondent vide Rc.No.B4/278/2003 RJC., dated 20.06.2006, stating inter alia that the Executive Officer of the 1<sup>st</sup> Respondent Temple forwarded proposals for enhancement of daily remuneration of Attender (Petitioner herein) from Rs. 40/- to Rs. 60/- per day and as the services of the Petitioner are necessary in the temple, requested for enhancement of daily remuneration and also requested the 4<sup>th</sup> Respondent to consider and pass necessary orders in the matter at the earliest. Copies of the Andhra Pradesh Gazette Publication dated 16.03.2006 and the proceedings Rc.No.B4/278/2006 Rjc., dated 20.06.2006 are filed herewith as Annexure P – 4(Colly).

27

7. I submit that in pursuance of the aforesaid proceedings and on a further request made by the manager of the 1<sup>st</sup> Respondent Temple on 17.11.2008, the 3<sup>rd</sup> Respondent issued proceedings L.Dis.No.B4/1455/2008 RJC dated 16.09.2009, permitting the manager of the 1<sup>st</sup> Respondent Temple to enhance the daily remuneration of Attender from Rs. 90/- per day to Rs. 140/- per day. I further submit that in pursuance of the circulars issued by the Respondent Nos 3 and 4, the Respondent No. 1 issued proceedings enhancing and fixing the daily wages of the Petitioner as Rs. 150/- per day, with a consolidated monthly pay of Rs. 4,500/-. Copies of the proceedings L.Dis.No.B4/1455/2008 RJC dated 16.09.2009 and the copy of enhancement of daily remuneration are filed herewith as Annexure P – 5(Colly).

8. I further submit that the Respondent No. 3 issued proceedings L.Dis.No.B4/4266/2012, Rjc dated 12.07.2012, according permission to the Executive Officer of the 1<sup>st</sup> Respondent Temple to enhance salaries of the secular staff of the 1<sup>st</sup> Respondent Temple with effect from 01.07.2012 subject to condition that the establishment charges should be below 30% on assessable income of the temple and accordingly accorded permission to enhance salary of Attender from Rs. 4500/- per month to Rs. 5,000/- per month. I submit that the 3<sup>rd</sup> Respondent on a further request from the Executive Officer of the 1<sup>st</sup> Respondent Temple on 20.04.2014 issued proceedings L.Dis.No.B4/2034/2014 dated 23.04.2014 further enhancing the salaries from Rs. 5,000/- per month to Rs. 8,000/-, w.e.f April 2014. As such, currently I had completed 12 years of service and currently as on March 2016, I am drawing monthly salary of Rs.10,000/- and the same is evident from the statement of salaries of the employees of the 1<sup>st</sup> Respondent Temple for the month of March, 2016. Copies of the proceedings L.Dis.No.B4/4266/2012, RJC dated 12.07.2012 and L.Dis.No.B4/2034/2014 dated 23.04.2014 of the 3<sup>rd</sup> Respondent enhancing salaries and the statement of

salaries of the Employees of the 1<sup>st</sup> Respondent Temple for the month of March, 2016 are filed herewith as Annexure P – 6 (Colly).

9. I submit that I hold a degree in Bachelor of Commerce from the prestigious Sri Venkateshwara University, Tirupathi, having passed the C.C.S. yearly Examination Scheme in Second Grade. I submit that I have the required and necessary qualifications for the post of attender. I submit that as per the circular instructions of the 2<sup>nd</sup> Respondent vide Rc.No.J2/12961/91 dated 07.04.2000, persons with 5 years of service are entitled to be regularized subject to the availability of the post and having minimum qualifications and that there should be a sanctioned post. Copies of the certificates of the Petitioner are filed herewith as Annexure P – 7(Colly).

10. I submit that the 3<sup>rd</sup> Respondent vide proceedings D.Dis.No.A1/819/C4 dated 25.02.2005 had sanctioned 2 posts of Attenders in the 1<sup>st</sup> Respondent Temple. However, the Respondents have failed to fill the posts by duly issuing an open advertisement and have been utilizing the services of the Petitioner in the said post by paying meagre salaries and therefore, in view of the circular dated 07.04.2000 and proceedings dated 25.02.2005, I had submitted a detailed representation on 20.10.2014 to the Executive Officer of the 1<sup>st</sup> Respondent Temple requesting my service/ case to be considered for regularization as I had completed 12 years of service and for granting regular pay scales attached to the post of Attender. In pursuance of the said representation, the Executive Officer of the 1<sup>st</sup> Respondent Temple addressed a letter Rc.No. 58/2014 dated 20.10.2014 requesting the Respondent No. 4 to consider my case for regularization. A copy of the said letter Rc.No. 58/2014 dated 20.10.2014 is filed herewith as Annexure P – 8.

11. I submit that similarly, in the case of Petitioner No.2, the Respondent No. 4 vide proceedings D.Dis.No.F1/57755/03 dated 15.03.2004, accorded

29

permission to the Executive Officer of the Respondent No.1 temple, to engage the services of one person as a cook on contract basis, on payment of Rs. 75/- per day for 11 months with a gap of one day in a week, if the financial position permits and directed the Executive Officer of the Respondent No. 1 temple to take necessary action. A copy of the said proceedings D.Dis.No.F1/57755/03 dated 15.03.2004 is filed herewith as Annexure P – 9. /

12. I submit that in pursuance of the aforesaid proceedings of the Respondent No.4 dated 15.03.2004, the Executive Officer of the Respondent No.1 temple issued Order Rc. No. 99/2003 dated 01.06.2004, engaging Petitioner No.2's services as a cook in the Respondent No. 1 temple, on payment of Rs. 75/- per day for a period of 11 months w.e.f. 01.06.2004 on contract basis, with a gap of one day in a week, i.e. Sunday every week.. Copy of the proceedings Rc. No: 99/2003 dated 01.06.2004 is herewith filed as Annexure P – 10.

13. I submit that the 4<sup>th</sup> Respondent issued proceedings Rc.No.B2/22914/2007 dated 13.08.2007, according permission to the Executive Officer of the 1<sup>st</sup> Respondent Temple for extension of 2<sup>nd</sup> Petitioner's services for a further period of eleven months from 09.06.2007, with an enhanced remuneration of Rs. 3,000/- per month. I submit that the 4<sup>th</sup> Respondent issued proceedings Rc.No.B2/22914/2007, dated 14.10.2008, further extending and continuing 2<sup>nd</sup> Petitioner's services for a further period of eleven months and also enhancing his salary from Rs. 3,000/- to Rs. 3,600/- per month. Copies of the proceedings Rc.No.B2/22914/2007 dated 13.08.2007 and the proceedings Rc.No.B2/22914/2007, dated 14.10.2008 are filed herewith as Annexure P – 11(Colly).

14. I submit that the 4<sup>th</sup> Respondent issued proceedings D.Dis.No.B3/43418/2010 dated 28.02.2011, according permission to the Executive Officer of the 1<sup>st</sup> Respondent temple, to pay the revised remuneration

7      30

of Rs. 3,500/- to Sri. K. Nargeswarayya (archaka), Rs. 2,500/- to K.Malikharijuna (paricharika) and Rs. 4,000/- to M. Virupakhayya (Cook) per month. A copy of proceedings D.Dis.No.B3/43418/2010 dated 28.02.2011 is filed herewith as **Annexure P – 12.**

15. I further submit that 2<sup>nd</sup> Petitioner appeared and cleared 'aagama exam' conducted in the year 2007 and the Endowments Department issued a certificate that 2<sup>nd</sup> Petitioner had cleared the said exam. As such, currently 2<sup>nd</sup> Petitioner had completed 12 years of service and currently as on March 2016, the 2<sup>nd</sup> Petitioner is drawing monthly salary of Rs.9,500/- and the same is evident from the statement of salaries of the Employees of the 1<sup>st</sup> Respondent Temple for the month of March, 2016. Copies of the certificate issued by the Endowments Department to the 2<sup>nd</sup> Petitioner and the statement of salaries of the Employees of the 1<sup>st</sup> Respondent Temple for the month of March, 2016 are filed herewith as **Annexure P – 13 (Colly).**

16. I submit that 2<sup>nd</sup> Petitioner holds the required and necessary qualifications for the post of cook. I submit that as per the circular instructions of the 2<sup>nd</sup> Respondent vide Rc.No.J2/12961/91 dated 07.04.2000, persons with 5 years of service are entitled to be regularized subject to the availability of the post and having minimum qualifications and that there should be a sanctioned post, and 2<sup>nd</sup> Petitioner had completed 12 years of service as a temporary employee, as against the sanctioned post of Cook.

17. I submit that the 3<sup>rd</sup> Petitioner is also similarly situated. I submit that the 3<sup>rd</sup> Respondent vide proceedings D.Dis.No.1028/2005 RJC dated 09.05.2005, accorded permission to the Executive Officer of the 1<sup>st</sup> Respondent Temple, to engage the services of one Par charika on contract basis, on payment of Rs. 30/- per day each, for 11 months, with effect from 01.03.2005 and accordingly the Executive Officer of the 1<sup>st</sup> Respondent temple issued orders vide order in

31

R.C.No. 14/2005 dated 10.05.2005, appointing Petitioner No. 3 as Paricharika, w.e.f from 01.03.2005. A copy of the said proceedings D.Dis.No.1028/2005 RJC dated 09.05.2005 and a copy of proceedings R.C.No.14/2005 dated 10.05.2005 are filed herewith as Annexure P – 14(Colly).

18. I submit that the 3<sup>rd</sup> Respondent issued proceedings Rc.No. B4/277/2006 RJC dated 24.04.2006, requesting the 4<sup>th</sup> Respondent to take necessary action on the request made by the Executive Officer of the 1<sup>st</sup> Respondent temple, to enhance the daily remuneration of the Petitioner from Rs.30/- to Rs.50/- per day. In pursuance of the above proceedings, the 4<sup>th</sup> Respondent issued proceedings Rc.No.D2/16876/2006 dated 05.05.2006 permitting the Executive Officer of the 1<sup>st</sup> Respondent Temple to extend 3<sup>rd</sup> Petitioner contract period for a period of 11 months with an enhanced remuneration of Rs. 40/- per day. I submit that the 4<sup>th</sup> Respondent issued proceedings Rc.No. B2/15693/2007 dated 05.06.2007 according permission to the Executive Officer of the 1<sup>st</sup> Respondent Temple to continue 3<sup>rd</sup> Petitioner's services in the post of Paricharika for a further period of 11 months, on payment of salary of Rs. 60/- per day, with a break a 10 days. I submit that the Respondent No.4 by subsequent proceedings L.Dis.No.B1/15693/2007 dated 03.11.2008 accorded permission to the Executive Officer of the 1<sup>st</sup> Respondent Temple to continue 3<sup>rd</sup> Petitioner's services in the post of Paricharika for a further period of 11 months, on payment of salary of Rs. 60/- per day. Copies of the proceedings Rc.No. B4/277/2006 RJC dated 24.04.2006, the proceedings Rc.No. B2/15693/2007 dated 05.06.2007 and the proceedings L.Dis.No.B1/15693/2007 dated 03.11.2008 are herewith filed as Annexure P – 15 (Colly)

19. I submit that the 4<sup>th</sup> Respondent issued proceedings L.Dis.No.B3/43418/2010 dated 12.10.2010 permitting the Executive Officer of the 1<sup>st</sup> Respondent temple to fix remuneration as per the instructions in D.P. Cell dt. 23.06.2010. I submit that in pursuance of the aforesaid proceedings, the 4<sup>th</sup>



Respondent issued proceedings D.Dis.No.B3/43418/2010 dated 28.02.2011, according permission to the Executive Officer of the 1<sup>st</sup> Respondent temple, to pay the revised remuneration of Rs. 3,500/- to Sri. K. Nargeswarayya (archaka), Rs. 2,500/- to K.Malikharijuna (paricharika) and Rs. 4,000/- to M. Virupakhayya (Cook) per month. Copies of the proceedings L.Dis.No.B3/43418/2010 dated 12.10.2010 and the proceedings D.Dis.No.B3/43418/2010 dated 28.02.2011 are filed herewith as Annexure P – 16(Colly).

20. I submit that 3<sup>rd</sup> Petitioner appeared and cleared the 'Pravesha Examination' in III Class with 'Saiva Agamam' during the year 2002, in the Archaka Agama Examinations conducted by the Endowments Department. I further submit that 3<sup>rd</sup> Petitioner appeared and cleared the 'Veerasaiva Agama' on 27.03.2012 in 1<sup>st</sup> class in the 'aagama exams' conducted by the Endowments Department and the said department has issued a certificate that Petitioner No. 3 cleared the said exam. As such, currently 3<sup>rd</sup> Petitioner had completed 10 years of service and currently as on March 2016 and is am drawing monthly salary of Rs.9500/- and the same is evident from the statement of salaries of the Employees of the 1<sup>st</sup> Respondent Temple for the month of March, 2016. Copies of the certificate issued by the Endowments Department and the statement of salaries of the Employees of the 1<sup>st</sup> Respondent Temple for the month of March, 2016 are filed herewith as Annexure P – 17(Colly).

21. I submit that 3<sup>rd</sup> Petitioner holds the required and necessary qualifications for the post of Paricharika. I submit that as per the circular instructions of the 2<sup>nd</sup> Respondent vide Rc.No.J2/12961/91 dated 07.04.2000, persons with 5 years of service are entitled to be regularized subject to the availability of the post and having minimum qualifications and that there should be a sanctioned post, and 3<sup>rd</sup> Petitioner has completed more than 12 years of service as a temporary employee, as against the sanctioned post of Paricharika.

33

22. I submit that the 3<sup>rd</sup> Respondent vide proceedings D.Dis.No.A1/819/04 dated 25.02.2005 had sanctioned four posts of Paricharika in the 1<sup>st</sup> Respondent Temple. However, the Respondents have failed to fill the post by duly issuing an open advertisement and have been utilizing the services of the Petitioner in the said post by paying meagre salaries.

23. I submit that the 4<sup>th</sup> Petitioner is working as an Archaka. I submit that vide D.Dis.No.C3/25108/2002 dated 04.06.2002, the 4<sup>th</sup> Respondent had accorded permission to the Executive Officer of the 1<sup>st</sup> Respondent Temple, to engage the services of two Archakas on contract basis, on payment of Rs. 15/- per day each, for 11 months and accordingly one M.Sashidhar and 4<sup>th</sup> Petitioner were appointed as Archakas. A copy of the said proceedings D.Dis.No.C3/25108/2002 dated 04.06.2002 is filed herewith as Annexure P – 18.

24. I submit that the 4<sup>th</sup> Respondent issued proceedings L.Dis.No.F1/37228/04 dated 29.07.2004 according permission to the Executive Officer of the 1<sup>st</sup> Respondent Temple to continue the services of 4<sup>th</sup> Petitioner in the post of Archaka for a further period of 11 months, on payment of salary of Rs. 30/- per day, with effect from 07.06.2003. I submit that the 4<sup>th</sup> Respondent by subsequent proceedings L.Dis.No.F1/39018/04 dated 05.08.2004 accorded permission to the Executive Officer of the 1<sup>st</sup> Respondent Temple to continue the services of 4<sup>th</sup> Petitioner in the post of Archaka for a further period of 11 months, on payment of salary of Rs. 30/- per day, with effect from 14.05.2004. I further submit that the 3<sup>rd</sup> Respondent issued proceedings D.Dis.No. A1/819/04 dt. 25.02.2005 fixing the cadre strength, with 2 Attenders (Secular Staff), 4 Archakas (Religious Staff), 1 Cook and 4 Paricharikas (Contract Basis) among other posts in the 1<sup>st</sup> Respondent Temple. Copies of the proceedings L.Dis.No.F1/37228/04 dated 29.07.2004, proceedings L.Dis.No.F1/39018/04 dated 05.08.2004 and

11  
34

D.Dis.No.A1/819/04 dt. 25.02.2005 are herewith filed as Annexure P – 19  
(Colly)

25. I submit that the Respondent No. 3 issued proceedings D.Dis.No.1486/2005 RJC. Dated 20.05.2005 according permission to the Executive Officer of the 1<sup>st</sup> Respondent Temple for extension of 4<sup>th</sup> Petitioner's services for a further period of eleven months from 01.06.2005, with an enhanced remuneration from Rs. 30/- per month to Rs. 60/- per months. I submit that the 4<sup>th</sup> Respondent issued proceedings D.Dis.No.D2/17101/2006 dated 10.05.2006, further extending and continuing the services of 4<sup>th</sup> Petitioner for a further period of eleven months. I submit that the 4<sup>th</sup> Respondent issued proceedings Rc.No.B1/26858/2009 dated 13.10.2009, further extending and continuing my services for a period of eleven months and also enhancing 4<sup>th</sup> Petitioner's daily remuneration to Rs. 100/-. The Manager of the 1<sup>st</sup> Respondent temple was directed to notify the vacancies to be filled up by direct recruitment for the 2 posts of Archaka by duly advertising and following the procedure laid down in relevant rules. However, no steps were taken to fill the posts through open advertisements, pursuant to the said directions. Copies of the proceedings D.Dis.No. 1486/2005 RJC. Dated 20.05.2005, proceedings D.Dis.No.D2/17101/2006 dated 10.05.2006 and the proceedings Rc.No.B1/26858/2009 dated 13.10.2009 are filed herewith as Annexure P – 20(Colly).

26. I submit that the 4<sup>th</sup> Respondent issued proceedings L.Dis.No.B3/43418/2010 dated 12.10.2010 permitting the Executive Officer of the 1<sup>st</sup> Respondent Temple to fix remuneration as per the instructions in D.P. Cell dt. 23.06.2010. I submit that in pursuance of the aforesaid proceedings, the 4<sup>th</sup> Respondent issued proceedings D.Dis.No.B3/43418/2010 dated 28.02.2011, according permission to the Executive Officer of the 1<sup>st</sup> Respondent temple, to pay the revised remuneration of Rs. 3,500/- to Sri. K. Nageswaraiah (arc. etc.).

35

Rs. 2,500/- to K.Malikhajuna (paricharika) and Rs. 4,000/- to M. Virupakhayya (Cook) per month. Copies of the proceedings L.Dis.No.B3/43418/2010 dated 12.10.2010 and the proceedings D.Dis.No.B3/43418/2010 dated 28.02.2011 are filed herewith as Annexure P – 21(Colly).

27. I submit that the 4<sup>th</sup> Petitioner appeared and cleared the 'Pravesha Examination' in III Class with 'Saiva Agamam' during the year 1999 and also passed the 'Vara Examination' in III Class with 'Saiva Agamam' during the year 2002, in the Archaka Agama Examinations conducted by the Endowments Department. I further submit that 4<sup>th</sup> Petitioner appeared and cleared the 'Veerasaiva Agama' on 27.03.2012 in I class 'aagamam exam' and also the 'Veerasaiva Agama' on 24.04.2013 in III class, conducted by the Endowments Department has issued a certificate that Petitioner No.4 cleared the said exam. As such, currently Petitioner No.4 had completed 14 years of service and currently as on March 2016, is drawing monthly salary and the same is evident from the statement of salaries of the Employees of the 1<sup>st</sup> Respondent Temple for the month of March, 2016. Copies of the certificate issued by the Endowments Department and the statement of salaries of the Employees of the 1<sup>st</sup> Respondent Temple for the month of March, 2016 are filed herewith as Annexure P – 22 (Colly).

28. I submit that the Petitioners herein have the required and necessary qualifications for the respective posts of Attender, Cook, Paricharika and Archaka. I submit that as per the circular instructions of the 2<sup>nd</sup> Respondent vide Rc.No.J2/12961/91 dated 07.04.2000, persons with 5 years of service are entitled to be regularized subject to the availability of the post and having minimum qualifications and that there should be a sanctioned post, and Petitioners completed more than 10 years of service as a temporary employee, as against the sanctioned posts.

36

29. I submit that by the application of the circular memo dated 07.04.2000, I am entitled for the P.R.C. scale but is unjustifiably denied till date; thus, the action of the Respondents is violative of Art. 14 and 21 of the Constitution of India.

30. It is submitted that the Respondents failure to consider the Petitioner for regularization to the sanctioned post of Attender in the 1<sup>st</sup> Respondent Temple and for entitlement to the P.R.C. scales even though the Petitioners hold the requisite qualification and criteria is arbitrary, illegal and is in violation of the provisions of Articles 14, 19 and 21 of Constitution of India. This is unbecoming of a State as defined under Article 12 of the Constitution of India but also is in strict violation of the guarantees under Articles 14, 16, 19 and 21 of the Constitution of India. It is further submitted that this Hon'ble Court in W.P.Nos.20924 of 2013 and 20995 of 2013, in similar circumstances vide orders dated 18.07.2013 and 19.07.2013 was pleased to direct the Respondents to consider and pass appropriate orders on the representation.

31. I have no other effective alternative remedy except approaching this Hon'ble Court under Article 226 of the Constitution of India.

32. I have not filed any writ or initiated any proceedings in any Court of law for the relief prayed in the W.P.

33. I submit that the alternative or inconsistent pleas if any are taken without prejudice to each other and I reserve the right to raise additional grounds/pleas at the time of hearing.

34. It is therefore prayed that this Hon'ble Court may be pleased to issue a Writ, Order or Direction, more particularly one in the nature of a "Writ of Mandamus" to declare the action of the Respondents in not following circular instructions vide proceedings Re.No.J2/12961/91 dated 07.04.2000 for

37

regularization of the service of the Petitioner as being illegal, arbitrary in violation of Articles 14, 16(1), 19 and 21 of Constitution of India and consequently direct the 1<sup>st</sup> Respondent to regularize the service of the Petitioner in terms of the circular Rc.No.J2/12961/91 dated 07.04.2000 issued by the 4<sup>th</sup> Respondent and pass such other order or orders as are deemed fit and proper in the facts and circumstances of the case.

35. Pending disposal of the W.P., it is prayed that this Hon'ble Court may be pleased to direct the Respondents to consider the representation of the Petitioner for regularization of his services in terms of circular Rc.No.J2/12961/91 dated 07.04.2000 and to pay the regular scale of pay to the Petitioner as per his eligibility and suitability instead of giving consolidated pay and pass such other order or orders as are deemed fit and proper in the facts and circumstances of the case.

Sworn and signed before me  
At Hyderabad on this the  
17<sup>th</sup> Day of August, 2016.

DEPONENT

BEFORE :: ME

ADVOCATE :: HYDERABAD

VERIFICATION

I, N. Narayana Swamy, S/o. N. Obanna, aged about 44 years, Occ: Attender, Sri Veerabhadra Swamy Temple, Rayachoti, YSR Kadapa – 516 269, Andhra Pradesh, R/o. 69/95, Old Post Office, Rayachoti, YSR District, having temporarily come down to Hyderabad, being the deponent herein acquainted with the facts, do hereby verify that the contents of the affidavit filed in support of the Writ Petition are true to my knowledge and information based on record and believed to be correct and are based on legal advice believed to be correct. Verified at on this the 17<sup>th</sup> Day of August, 2016.

COUNSEL FOR THE PETITIONER

DEPONENT

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40

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD FOR THE  
STATE OF TELANGANA AND FOR THE STATE OF ANDHRA  
PRADESH

W.P No. 27788 of 2016

Between:

N. Narayana Swamy & 3 others

.....

Petitioners

And

Sri Veerabhadraswamy Temple,  
Rep by its Executive Officer,  
Rayachoty, Kadapa District, Andhra Pradesh,  
and 3 others

.....Respondents


**COUNTER AFFIDAVIT OF THE 1<sup>st</sup> RESPONDENT**

I. Smt. T. Manjula, W/o. G. Siva Reddy, Aged about 44 Years,  
Executive Officer, Sri Veerabhadraswamy Temple, Rayachoty, Kadapa  
District, do hereby solemnly and sincerely affirm and state as follows:-

1. I humbly submit that I am the Executive Officer 1<sup>st</sup> Respondent temple and as such I am well acquainted with facts of the case and therefore, I am competent to swear this Affidavit.

2. I humbly submit that I have gone through the averments of the affidavit filed in support of writ petition and understood the same. The allegations thereof except those, which are specifically admitted herein are all false and invented for the purpose of present writ petition.

3. I humbly submit that in reply to the averments made in para no 4& 5 of the affidavit are concerned, it is true that the Petitioners 2, 3 & 4 are working as Archaka, Paricharika and Cook and Petitioner No.1 is working as Attender on contract basis in the 1<sup>st</sup> Respondent Temple. The Petitioners were initially appointed on daily wages in the year 2004 and 2005 with the prior Permission of the competent authority and later were converted into

  
**EXECUTIVE OFFICER**  
Sri Veerabhadra Swamy Temple  
Rayachoty 516269

41

Contract Basis. The following are the details of first appointment and the present Salary being drawn by them:

Sl. No	Name of the Petitioners	Daily Wage on the Stage of Appointment	Present Consolidated Salary per month
1	N.Narayana Swamy (Attender)	Rs.40/- Per Day	Rs.10,000/-Per Month
2	M.Virupakshaiah (Cook)	Rs.75/-Per Day	Rs.9,500/- Per Month
3	K.Mallikarjuna (Paricharika)	Rs.30/- Per Day	Rs.9,500/-Per Month
4	K.Nageswaraiah Swamy (Archaka)	Rs.30/- Per Day	Rs.10,500/-Per Month

The Consolidated salaries of the above Petitioners have been enhanced at regular intervals basing on the increase of income to the temple. Considering the work load among the four petitioners in the temple, the remuneration being paid to them is fair and reasonable. The temple has to meet other expenses such as Brahmastavam and other periodical festivals, statutory payments due to the department, Taxes on Electricity charges and other miscellaneous Items. Surplus amount should be shown every year meeting the above items of expenditure in the shape of fixed deposits etc. Otherwise Public Criticism may come about the utilization of funds. The Petitioners instead of approaching the present Respondent who is competent to address their grievances have bypassed the same and directly approached this Hon'ble Court. on the said ground alone this Writ Petition is liable to be dismissed. Earlier also the 1<sup>st</sup> Petitioner and another gave a representation to the Commissioner Endowments Department Hyderabad on 23.09.2015 for regularization of their services without the knowledge of the present Respondent. But the request of the 1<sup>st</sup> Petitioner

**EXECUTIVE OFFICER**  
Sri Veerabhadra Swamy Ter  
Ravachotu 516720

42

and another Working in the secular establishment of Sri Veerabhadraswamy Temple Rayachoty Town has been rejected as the Government has prohibited further recruitments vide G.O. RT.No.1997/DT: 18-10-2005. It is pertinent to mention here that the four writ petitioners were appointed prior to the issue of the above Govt RT.No.1997.

4. I further humbly submit that in reply to the contents of Para no 6,7& 8 of the affidavit are concerned, the 1<sup>st</sup> Petitioner's additional Qualifications are not required for the respondent Temple as the minimum Qualification for the Attender Post is Intermediate. The Consolidate salaries were enhanced at regular intervals basing on the recommendations made by the present Respondent basing on the work load they are considered to be reasonable.

5. It is submitted that in reply to para No. 9 of the affidavit is concerned the Contention of the 1<sup>st</sup> Petitioner is not correct, as per the Circular instructions issued by the 4<sup>th</sup> Respondent in Rc.No.J2/12961/91 Dt: 07.04.2000, Persons with 5 years of service are entitled to be regularized. Numbers of aspects are to be examined before the request is considered for regularization of services. The 4th respondent is the competent authority for the regularization of services and also fixation of pay scales.

6. It is further submitted that in reply to para No.10 to 24 of the Writ Affidavit is concerned It is true the 3<sup>rd</sup> Respondent had sanctioned 2 Posts of attenders in the respondent temple and also religious staff Vide D.Dis No.A1/819/04 dt.25.02.2005. The Then Executive Officer of the Temple Might have filled the posts according to the instructions of the higher authority. The 2<sup>nd</sup> Petitioner is Continuing in the Respondent temple as "Cook" since 2004 as per the order of the 4th Respondent in D.Dis


**EXECUTIVE OFFICER**  
Sri Veerabhadra Swamy Temple  
Rayachoty 516269

43

100

No.F1/57755/03 dt.15.03.2004 and presently drawing a salary is Rs.9500/- Per month. The 3<sup>rd</sup> Petitioner was appointed on daily wages for a period of 11 months in the first instance and later renewed the period every year without termination because the service of the cook is found necessary in the temple. Since the 4<sup>th</sup> Respondent is competent authority for the Enhancement of remuneration, salaries of temple staff. Permission was accorded for the enhancement of the remuneration of Rs.3500/- to the 4<sup>th</sup> petitioner and also to the 2<sup>nd</sup> Petitioner. It is submitted that 2<sup>nd</sup> Petitioner appeared and cleared "Aagama Examination" conducted in the year 2007 and the Endowments Department issued a certificate that the 2<sup>nd</sup> Petitioner had cleared the said examination. The said exam is no way relevant for the 1<sup>st</sup> Petitioner who is working as a cook in the respondent temple. In this case the writ petitioners are continuing as contract employees. Regularization of Contract Employees in any department is a govt policy and the cases of contract employees irrespective of length of service will be considered by the Government.

7. It is submitted in reply to para No. 25 of the affidavit is concerned, as already Stated in the fore going paras, the two unfilled post of Archakas will be Considered for filling the posts whenever necessity arises, besides the income of the temple increases. The Congregation of Pilgrims in the 1<sup>st</sup> Respondent temple will be in hundreds mainly on Monday, Tuesday and Friday as devotees from Karnataka state Visit the Temple and offer poojas to the Principal deities. The Present Strength of Archakas is Sufficient to attend the devotees.

  
**EXECUTIVE OFFICER**  
Sri Veerabhadra Swamy Temple  
Ravaholu 516269


44

8. It is submitted in reply to the contentions raised in the other paras of the affidavit are concerned, regularization of contract employees in all departments including Endowments Departments is a state level policy and the request of petitioners will be consider after receipt of orders from the 2<sup>nd</sup> Respondent Government only.

For the reasons mentioned above, it is humbly prayed that this Honourable Court may be pleased dismiss the WP.No. 27783 of 2016 as devoid of merits and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstance of the case.

Sworn and signed before me  
On this the 2<sup>nd</sup> day of October, 2016

Before me

  
Deponent  
**EXECUTIVE OFFICER**  
Sri Veerabhadra Swamy Temple  
Rayachoty 516269


Advocate : Hyderabad

### VERIFICATION

I, Smt. T. Manjula, W/o. G. Siva Reddy, Aged about 44 Years, Executive Officer, Sri Veerabhadraswamy Temple, Rayachoty, Kadapa District, verify that the contents of the above affidavit are true and correct to the best of my personal knowledge and belief and no material has been concealed there from.

Verified on this the 3<sup>rd</sup> day of October, 2016  
at Hyderabad.

Advocate : Hyderabad

  
Deponent  
**EXECUTIVE OFFICER**  
Sri Veerabhadra Swamy Temple  
Rayachoty 516269

copy to N. Ashwani Kumar  
Advocate

(45) 9030263512

IN THE HIGH COURT OF JUDICATURE  
AT HYDERABAD FOR THE STATE  
OF TELANGANA AND FOR THE  
STATE OF ANDHRA PRADESH

W.P. No. 27788 of 2016

vs

1/2016

dt. 28.10.2016

COUNTER AFFIDVIT FILED ON BEHALF  
OF 1<sup>st</sup> RESPONDENT

Filed on:

Filed by:

Sreekanth Reddy Ambati  
( 16032 )

Advocate

9494350639

46

## IN THE HIGH COURT OF ANDHRA PRADESH::AT AMARAVATHI

W.P. NO. 27788 OF 2016

CHRONOLOGICAL / RUNNING INDEX

Sl. No.	Exhibit	Description of Document	Date of Document	Date of filing of Document	Page No.
1		Copy of the Additional Counter Affidavit filed by the 1 <sup>st</sup> respondent	01-02-2022	02-02-2022	1-9
2	A-1	Copy of G.O.Rt.No.1997 Revenue (Endowments-I) Department issued by the Government	18-10-2005	02-02-2022	10-11
3	A-2	Copy of Procds D.Dis.No.A1/819/04 of the 3 <sup>rd</sup> respondent	25-02-2005	-do-	12-13
4	A-3	Copy of R.Dis.in Rc.No.C1/2285558/2 019-1 of the 4 <sup>th</sup> respondent	15-02-2019	-do-	14
5	A-4	Copy of R.Dis.in Rc.No.C1/2285558/2 019-1 of the 4 <sup>th</sup> respondent	01-03-2019	-do-	15

DATE: 02-02-2022  
Amaravathi

G. Ramana Rao  
Counsel for the Respondent No-1

(21855)

42

IN THE HIGH COURT OF ANDHRA PRADESH: AT AMARAVATHI

W.P.NO. 27788 OF 2016

Between:

1. N .Narayana Swamy S/o N Obanna,  
Aged about 44 years, Occ: Attender,  
Sri VeerabhadraSwamy Temple, Rayachoti,  
YSR Kadapa- 516 269, Andhra Pradesh,  
R/o 69/95 Old Post Office , Rayachoti ,YSR District.
2. M.Virupakshaiah S/o M . Basavaraju Swamy,  
Aged about 29 years, Occ :Cook,  
Sri Veerabhadra Swamy Temple, Rayachoti,  
YSR Kadapa 516 269, Andhra Pradesh,  
R/o 69/112 A, Temple Street, Rayachoti, YSR District.
3. K Mallikarjuna S/o Eswaraiah,  
Aged about 30 years, Occ: Paricharika ,  
Sri VeerabhadraSwamy Temple, Rayachoti ,  
YSR Kadapa- 516 269, Andhra Pradesh,  
R/o 67/112 B, Temple Street, Rayachoti , YSR District.
4. K Nageshwarayya Swamy S/o Nagesem,  
Aged about 32 years, Occ: Archaka,  
Sri VeerabhadraSwamy Temple, Rayachoti ,  
YSR Kadapa- 516 269 , Andhra Pradesh,  
R/o 67/112 C Temple Street, Rayachoti, YSR District.

Petitioners

AND

1. Sri VeerabhadraSwamy Temple,  
Rep. by its Executive Officer,  
Rayachoti , YSR Kadapa - 516 269, Andhra Pradesh.
2. State of Andhra Pradesh,  
Rep. by its Principal Secretary,  
Endowments Department, AP Secretariat, Hyderabad.
3. The Regional Joint Commissioner,  
Multi Zone- II, Endowments Department,  
Tirupati, Chittoor District , A.P.,
4. The Commissioner of Endowments  
Government of Andhra Pradesh ,  
Dharmika Bhavan, Boggulakunta,  
Tilak Road, Hyderabad.

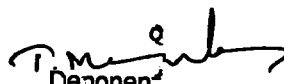
Respondents

**ADDITIONAL COUNTER AFFIDAVIT FILED BY THE 1<sup>ST</sup> RESPONDENT.**

I. T.Manjula W/o G.Siva Reddy, Aged about 50 years; Occ: Executive

1<sup>st</sup> Page  
Corr:

Attestor

  
Deponent:  
EXECUTIVE OFFICER  
Sri Veerabhadra Swamy Temple  
RAYACHOTY - 516 269.



48

2

Officer , Sri Veerabhadra Swamy Devasthanam , Rayachoti , YSR Kdapa District, do hereby solemnly and sincerely affirm and state on oath as follows.

1. I submit that, I am the 1<sup>st</sup> respondent herein and as such, I am well acquainted with the facts of the case.

2. I submit that the petitioners herein filed the present writ petition seeking a direction to declare the action of the Respondents in not following circular instructions vide proceedings Rc.No. J2/12961/91 dated 07- 04 - 2000 for regularization of the service of the Petitioners as being illegal, arbitrary in violation of Articles 14, 16, 19 and 21 of Constitution of India and consequently direct the 1st Respondent to regularize the service of the Petitioner in terms of the circular Rc No. J2/12961/91 dated 07- 04-2000 issued by the 4th Respondent.

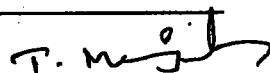
3. I submit that the 1<sup>st</sup> respondent Devasthanam was published under Section 6 (a) of Act, 30 of 1987.

4) I submit the initially in the year 2005, 3<sup>rd</sup> respondent sanctioned cadre strength to the 1<sup>st</sup> respondent Devasthanam as follows;

---

Senior Assistant -1	Mukya Archaka -2	Record Assistant -2
Junior Assistant -2	Archaka - 4	Scavengers -1
Attenders -2	Veda Aparayana-1	Bhajantries - 3
Watchmen -2		Cook -1
Sweepers -2		Ticket Clerk -1
Electrician -1		Paricharika -3

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EXECUTIVE OFFICER  
Sri Veerabhadra Swamy Temple  
RAYACHOTY - 516 250

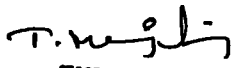
49

I Submit that the 4<sup>th</sup> respondent issued Procds R.Dis. in Rc.No. C1/2285558/2019-1 Dated 15-02-2019 by which cadre strength so far as religious staff is concerned is re-fixed as follows:

Sl.No.	Name of the Post	Existing	Additional Posts Sanctioned	Total No. of posts Sanctioned
1.	Pradhana Archaka	-	1	1
2.	Mukya Archaka	2	-	2
3.	Archaka	4	-	4
4.	Paricharika	3	(-) 3	-

I submit that the 4<sup>th</sup> respondent issued Procds R.Dis. in Rc.No. C1/2285558/2019-1 Dated 01-03-2019 by which an Erratum was issued so far as religious staff is concerned as follows:

Sl.No.	Name of the Post	Existing	Additional Posts Sanctioned	Total No. of posts Sanctioned
1.	Pradhana Archaka	1	-	Existing post abolished
2.	Upa Pradhana Archaka	-	1+1 ( by upgrading of 1 Post of Mukya Archaka post)	2
3.	Mukya Archaka	2	- 1	1
4.	Archaka	4	-	4
4.	Paricharika	3	(-) 3	

  
**EXECUTIVE OFFICER**  
 Sri Veerabhadra Swamy  
 RAYACHOTY - 516 269.


50

4

- 5) I submit that initially the 4<sup>th</sup> respondent given permission to engage one Sweeper and Two Attenders on contract basis vide Procds dated 28-09-2004. Consequently the 3<sup>rd</sup> respondent issued Procd dated 10-12-2004 by which the 1<sup>st</sup> respondent was permitted to engage the above personnel on contract basis @ Rs.40/- per day subject to available in the cadre strength of the subject temple and the Establishment Charges should be below 30% of Assessable Income of the temple.
- 6) I submit that the 4<sup>th</sup> respondent issued Procds Dated 15-03-2004 permission was given to the 1<sup>st</sup> respondent to engage one cook on contract basis @Rs.75/- per day for a period of 11 months with a gap of one day in a week.
- 7) I submit that the 3<sup>rd</sup> respondent issued Procds dated 9-5-2005 to engage one Paricharika on contract basis @Rs.30/- per day for a period of 11 months .
- 8) I submit that the 4<sup>th</sup> respondent issued Procds dated 14-06-2002 given permission to the 1<sup>st</sup> respondent to engage two Archakas on contract basis @Rs.15/- for a period of 11 months.
- 9) I submit in all the 4 above said posts , all the petitioners have been continuing and discharging duties as on today. Their payment has been enhanced from time to time as per the Instructions of 4<sup>th</sup> respondent .
- 10) I submit that as on today the petitioners No. 1 to 4 given minimum time scale as per the PRC 2015 and as per the instructions of the 4<sup>th</sup> respondent Rs. 13,000/-, 18,000/-, 18,000/- and 20,000/-.
- 11) I submit that the petitioners seeking regularization of their services in the present cadre in terms of circular instructions vide proceedings Rc.No. J2/12961/91 dated 07-04-2000.

4<sup>th</sup> Page  
Corr:

Attestor

  
Deponent  
**EXECUTIVE OFFICER**  
Sri Veerabhadra Swamy Temple  
RAYACHOTY - 516 269.

12) I submit that Under Section 35 of Act, 30 of 1987, permission has to be taken from the Competent authority prior of appointment of any vacancy whether it is temporary or permanent within the cadre strength.

Section 35 (1) says that, every vacancy in the approved cadre strength whether permanent or temporary amongst the office holders or servants of a charitable or religious institution or endowment shall be filled by the Trustee with the prior permission of the competent authority.

Provided that in the case of charitable or religious institution or endowment whose annual income exceeds rupees ten lakhs the Executive Officer shall appoint the office holders and servants thereof with the prior permission of the competent authority.

Provided further that in the case of appointment of religious office holders such appointment shall be made keeping in view of Agamas of the respective institutions and preference shall be given to those who are well versed with the Agama, custom and usage of the respective institution."

13) I submit as per Section 35 of Act, 30 of 1987, the Commissioner of Endowments/4<sup>th</sup> respondent herein is the competent authority for appointment of any post either in temporary or regular vacancy within the cadre strength. Therefore the 1<sup>st</sup> respondent is not competent to regularize the services of practitioners in the present cadre.

14) I submit that the Government issued G.O.Rt.No.1997 Revenue (Endowments-I) Department Dated 18-10-2005 by which prohibited further recruitment of all administrative staff in Hindu Religious and Endowments Institutions until further orders by taking into consideration of large scale irregular appointments by the concerned Executive Officers, even in the absence of cadre strength and without following the rules and regulations, thereby causing unnecessary financial burden which is contrary to proviso to sub-section (i)(2) of Section 57 of Act, 30 of 1987.

15) I submit that Section 57(2)(i) proviso says that,

5<sup>th</sup> Page  
Corr:

Attestor

  
Deponent

EXECUTIVE OFFICER  
Sri Veeralakshmi Swamy Temple  
RAYACHOTY - 516 200.

" provided that the salaries of the religious and secular establishment shall not exceed thirty per centum of its annual income calculated under Section 65. "

I submit that as on today the expenditure including the salaries of all the staff working in the 1<sup>st</sup> respondent Devasthanam is exceeding more than 50 percent of the total income .

16) I submit that the cadre strength of attenders is (3), and one person is working as regular employee and two persons including the petitioner working in the vacancy of one attender post.

17) I submit that as per the latest cadre strength there is no post of Paricharika.

18) I submit that as per the cadre strength out of 4 vacancies of regular Archaka posts, one regular Archaka has been working and two contract Archakas have been working.

19) I submit that as per the cadre strength one post of Cook had been granted and in which the 2<sup>nd</sup> petitioner has been working.

20) I submit that the 1<sup>st</sup> respondent has to initiate the recruitment process in terms of G.O.Ms.No.888 Endowments (Revenue – I) Dated 18-12-2000. But by virtue of ban imposed by the government in the matters of recruitment, the petitioner and other similarly situated persons services have been utilizing on contract basis and also paying remuneration as per the latest judgments of this Hon'ble Court and also Hon'ble Apex Court for parity of pay.

21) I submit that it is not the case of the petitioners that they are only the persons denied the regularization of services and another 10 employees have been working on contract basis along with the petitioners and their services were also not regularized

by the competent authority due to ban on recruitment.

22) I submit that when a person enters a temporary employment or gets engagement as a contractual or casual worker and the engagement is not based on a proper selection as recognized by the relevant rules or procedure, he is aware of the consequences of the appointment being temporary, casual or contractual in nature. Such a person cannot invoke the theory of legitimate expectation for being confirmed in the post when an appointment to the post could be made only by following a proper procedure for selection.

23) I submit that so far as the question of confirmation of those employees whose entry itself was illegal and void, is concerned it is to be noted that question of confirmation or regularization of an irregularly appointed candidate would arise if the candidate concerned is appointed in an irregular manner or on ad hoc basis against an available vacancy which is already sanctioned. But if the initial entry itself is unauthorized and is not against any sanctioned vacancy, question of regularizing the incumbent or such a non-existing vacancy would never survive for consideration and even if such purported regularization or confirmation is given it would be an exercise in futility.

24) I submit that unless the appointment is in terms of the relevant rules and after a proper competition among the qualified persons, the same would not confer any right on the appointee. If it is a contractual appointment, the appointment comes to an end when it is discontinued. Similarly, a temporary employee could not claim to be more permanent on the expiry of his term of appointment. I submit that merely because a temporary employee or a casual wage worker is continued for a time beyond the term of his appointment, he would not be entitled to be absorbed in regular

54

service or made permanent, merely on the strength of such continuance, if the original appointment was not made by following a due process of selection as envisaged by the relevant rules.

25) I submit that the instructions issued by the Government, Finance Department and basing on which judgments rendered by the Hon'ble High Court and Hon'ble Supreme Court are not applicable to the present case on hand, because the 1<sup>st</sup> respondent Devasthanam governed by the Act, 30 of 1987 which is a special enactment.


26) I submit that in similar circumstances a large number of cases are pending before this Hon'ble Court and the petitioners have not challenged the ban orders imposed vide G.O.Rt.No.1997 Revenue (Endowments-I) Department Dated 18-10-2005 by which prohibited further recruitment of all administrative staff in Hindu Religious and Endowments Institutions until further orders. Therefore, as long as ban orders are existing the endowments department will not be in a position to initiate the recruitment process. I submit that the petitioners never discriminated among the similarly situated persons working in the 1<sup>st</sup> respondent Devasthanam.

27) I submit that this Hon'ble Court may be pleased to treat the additional counter affidavit as part and parcel of the Counter affidavit filed earlier.

28) Therefore, there are no merits in the present writ petition and same is liable to be dismissed on the ground of devoid of merits. Hence this counter affidavit.

Therefore it is prayed that this Hon'ble Court may be pleased to dismiss the W.P.No. 27788 of 2016 on the ground of devoid of merits, in the interest of justice, and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

8<sup>th</sup> & Last Page  
Sworn and signed before me  
on this 01<sup>st</sup> day of February, 2022  
at Amaravathi.

  
Deponent  
**EXECUTIVE OFFICER**  
Sri Veerabhadra Swamy Telugu  
RAYACHOTY - 516 269.

BEFORE ME  
ADVOCATE :: AMARAVATHI

55

VERIFICATION

I, T.Manjula W/o G.Siva Reddy, Aged about 50 years; Occ: Executive Officer, Sri Veerabhadra Swamy Devasthanam ; Rayachoti , YSR Kdapa District, being the - respondent No-1 herein; - in the above stated contents of above Paras are true to the best of my knowledge and remaining paras are based on legal advise of my counsel believed to be correct.

Hence verified on this 01<sup>st</sup> day of February , 2022 at Amaravathi.

*G. Ramana Rao*  
Counsel for the Respondent No-1

*T. Manjula*  
Deponent  
EXECUTIVE Of.  
Sri Veerabhadra Swamy  
RAYACHCTY - 518 202.



56

GOVERNMENT OF ANDHRA PRADESH  
AS STRACT



Establishment - Endowments Department - Certain irregular contract appointments permitted by the former Commissioner of Endowments in various temples - Adverse criticism on such irregular actions - Reviewed - Imposing of Total ban on recruitment in the Institutions of Endowments Department - Orders - Issued.

REVENUE (ENDOWMENTS.I) DEPARTMENT

G.O.Rt.No.1997

Dated 18.10.2005.  
Read the following:-

1. Govt.Memo.No.40139/Endts.II(1)/2004-1, dated 20.11.2004.
1. From the Commissioner of Endowments, Lr.Rc.No.V2/25318/2005, dated 23.6.2005.
2. G.O.Ms.No.1422, Rev.(Endts.I) Dept., dated 25.7.2005.

ORDER:-

In the Memo. 1<sup>st</sup> read above instructions were issued informing the Commissioner of Endowments stating that appointments on contract basis may not be appropriate as the Act No.2 of 1994 prohibits all types of appointments on contract basis/daily wages or on consolidated pay in any public service to any post, any Class, Category or Grade without prior permission of the competent authority and without the name of the concerned candidate being sponsored by the Employment Exchange.

2. Whereas it was brought to the notice of the Government that contrary to the above instructions and in violation of the laid down procedure a large number of contract appointments are being made to various categories of posts in various Institutions and Endowments without seeking permission of Government and thereby jeopardizing the interest of the Religious Institutions.

3. After obtaining the records and careful examination Government have noticed that irregular appointments were made though there were no sanctioned posts in the cadre strength of the respective Institutions and without examining the actual necessity of such posts and without following the rules and regulations and contrary to ban orders. The Commissioner of Endowments in his letter 2<sup>nd</sup> read above has stated that the indiscriminate recruitment of staff to various categories in various Institutions/Temples is being resorted to thereby causing unnecessary burden to the Endowment Institutions. He has therefore requested the Government to prohibit further recruitment of all administrative staff in Temples.

4. Government have carefully examined the matter and hereby prohibit further recruitment of all administrative staff in Hindu Religious and Endowments Institutions until further orders.

57

5. The Commissioner of Endowments is requested to take necessary action in the matter and also issue necessary instructions to all the Executive Officers in the State.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

D.C. ROSAIAH,  
SECRETARY TO GOVERNMENT

To  
The Commissioner of Endowments, Andhra Pradesh, Hyderabad.  
SF/SCs.

//Forwarded: By order//

A. Chandra  
SECTION OFFICER

25/2/2005 Cadre strength

8/10/2004

58

Office of the Regional Joint Comm.,  
Multi Zone-II,  
Endowments Department, Tirupathi.

C. Dis. No : A/819/04 dt : 25-2-2005

Sub : - Endowments Department Kadapa (Dt), Rayachoti (Man) Sri  
Veerabhadra Swamy Temple - Refixation of Cadre strength of  
Temple - orders - communicated

Ref : - 1) Lr. dated : 10-7-2004 from the Executive Officer of the subject  
Temple.  
2) Resolution dt : 10-11-2004 for 3 men committee.

In the circumstances reported by the Executive officer of the subject  
temple and in view of the resolution passed by the 3 men committee in its meeting  
held on 10-11-2004, the Regional Joint Commissioner, Multi Zone - II,  
Endowments Department, Tirupathi here by fixes cadre strength of Religious and  
Secular staff of the subject temple as Annexure to this order.

He is also informed that vacancies caused due to fixation of present cadre  
strength shall not be filled until and unless he is also specifically permitted to do  
so.

These order fixing in the Cadre strength of institution supersedes all  
previous orders in this regard.

Yours faithfully,  
Sd/- G. Kesavulu,  
Regional Joint Commissioner.

///b.o.//

P. Subramanyam  
Superintendent, 25/2/05

To  
The Executive Officer of the subject temple.

25/2/05

Annexure - I

S.No	Name of the Temple	Secular Staff		Religious Staff		Contract Basis		Remarks
		Name of the Post	No of posts fixed	Name of the Post	No of posts fixed	Name of the Post	No of posts fixed	
1.	Sri Veerabhadra Swamy Devasthanam, Rayachoti town Kadapa Dt.	Senior Assistant	1	Mukhya Archaka	2	Record Assistant	2	
		Junior Assistant	2	Archaka	4	Scavengers	1	
		Attenders	2	Veda parayanandars	1	Bhajantries	3	
		Watch men	2			Cook	1	
		Swampers	2			Ticket Clerk	1	
						Electrician	1	
						Paricharika	3	

Sd/- G. Kesavulu  
Regional Joint Commissioner.

IF.5.o.11

P. Subramanyam  
Superintendent. 1/c 25/2/05

To

The Executive Officer of the subject temple.

23.2.05

60

Office of the Commissioner,  
Endowments Department,  
A.P., Gollapudi, Vijayawada.

**R. Dis. In Rc. No.C1/2285558/2019-1. dt:15-02-2019.**

**Sub:** Endowments Department - Kadapa District - Sri Veerabhadra Swamy Temple, Rayachoti (Town and Mandal) - Proposal for revision of Cadre strength - Examined - Orders Issued.

**Ref:** Temple Employees particulars received from the Assistant Commissioner, Endowments Department, Kadapa.

-o0o-

It is brought to the notice of the Commissioner that, the cadre strength of certain temples in the state were fixed long back and in certain temples no cadre strength were fixed till now. Due to the above, the presently working employees were continued in one cadre without any promotions years together and it is decided to fix the cadre strength/ revise the cadre strength of Sri Veerabhadra Swamy Temple, Rayachoti (Town and Mandal), Kadapa District.

Accordingly the Assistant Commissioner, Endowments Department, Kadapa in the reference cited has submitted the particulars of existing cadre strength of 6(a), 6(b) and 6(c) institutions in Kadapa District.

The cadre strength particulars of Sri Veerabhadra Swamy Temple, Rayachoti (Town and Mandal), Kadapa District has been examined and decided to revise the cadre strength and accordingly the cadre strength of Sri Veerabhadra Swamy Temple, Rayachoti (Town and Mandal), Kadapa District is hereby revised / fixed as follows for the religious staff in the first instance.

Sl. No.	Name of the post	Existing	Additional posts Sanctioned	Total No. Of posts Sanctioned
1.	Pradhana Archaka	-	1	1
2.	Mukhya Archaka	2	-	2
3.	Archaka	4	-	4
4.	Paricharka	3	(-) 3	-

Further the Executive Officer of the subject devasthanam is directed to fill up the newly sanctioned post by promoting senior most, eligible qualified candidates and as per rules in force.

The Executive Officer of the subject Devasthanam see that the above orders are implemented without fail otherwise the matter will be viewed seriously and shall take further necessary action accordingly.

Sd/- Dr.M.PADMA  
COMMISSIONER

//f.b.o.//

*M. Ramaswamy*  
SUPERINTENDENT

To,

1. The Assistant Commissioner, Endowments Department, Kadapa.
2. The Executive Officer, Sri Veerabhadra Swamy Temple, Rayachoti (Town and Mandal) Kadapa District (Through Sl. No.1)
3. Copy to the Regional Joint Commissioner, Endowments Department, Mz-II, Tirupati.
4. Copy to the Deputy Commissioner, Endowments Department, Kurnool.
5. Extra.

61

Office of the Commissioner,  
Endowments Department,  
A.P., Gollapudi, Vijayawada.

**R. Dis. In Rc. No.C1/2285558/2019-1. dt:01-03-2019.**

Sub: Endowments Department - Kadapa District - Sri Veerabhadra Swamy Temple, Rayachoti (Town and Mandal) - Proposal for revision of Cadre strength - Examined - Erratum Orders - Issued.

Ref: 1. Temple Employees particulars received from the Assistant Commissioner, Endowments Department, Kadapa.  
2. This office R.Dis. In Rc. No.C1/2285558/2019-1, dt:15.02.2019.  
3. Representation of Sri A.Krishnaiah, Mukhya Archaka, Sri Veerabhadra Swamy Temple, Rayachoti (Town and Mandal), Kadapa District.  
-o-o-

Attention of the Executive Officer, Sri Veerabhadra Swamy Temple, Rayachoti (Town and Mandal) is invited to the references cited. Wherein he has submitted proposal for issue modification orders to the reference 2<sup>nd</sup> cited.

In the reference 2<sup>nd</sup> cited, the Commissioner Endowments Department has been issued revised cadre strength to the subject temple, as follows.

Sl. No.	Name of the post	Existing	Additional posts Sanctioned	Total No. Of posts Sanctioned
1.	Pradhana Archaka	-	1	1
2.	Mukhya Archaka	2	-	2
3.	Archaka	4	-	4
4.	Paricharika	3	(-) 3	-

In view of the circumstances and considering the request of Sri A.Krishnaiah, Mukhya Archaka of the subject temple the following for revision of Cadre strength erratum is hereby issued.

**ERRATUM**

Sl. No.	Name of the post	Existing	Additional posts Sanctioned	Total No. of posts Sanctioned
1.	Pradhana Archaka	1	-	Existing post Abolished
2.	Upa Pradhana Archaka	-	1 + 1 (by upgrading of 1 post of Mukhya Archaka post)	2
3.	Mukhya Archaka	2	-1	1
4.	Archaka	4	-	4
5.	Paricharika	3	(-) 3	-

Further the Executive Officer of the subject devasthanam is directed to fill up the newly sanctioned post by promoting senior most, eligible qualified candidates and as per rules in force and also permitted to promote Sri A.Krishnaiah, Mukhya Archaka to the cadre of Upa Pradhana archaka subject to condition to pass Pravara examination.

The Executive Officer of the subject Devasthanam to see that the above orders are implemented without fail otherwise the matter will be viewed seriously and shall take further necessary action accordingly and report compliance.

Sd/- Dr.M.PADMA.  
COMMISSIONER

//f.b.o.//

2 V.R. Ramesh  
SUPERINTENDENT

Tc,

1. The Assistant Commissioner, Endowments Department, Kadapa.
2. The Executive Officer, Sri Veerabhadra Swamy Temple, Rayachoti (Town and Mandal), Kadapa District (Through Sl. No.1)
3. Copy to the Regional Joint Commissioner, Endowments Department, Mz-II, Tirupat.
4. Copy to the Deputy Commissioner, Endowments Department, Kurnool.
5. Extra.

3

Copy to

62

Sri N. Aswani (Counsel)  
Advocate

YSR KADAPA:: District

IN THE HIGH COURT OF ANDHRA

PRADESH ::AT AMARAVATHI

W.P. NO. 27788 OF 2016

**ADDITIONAL COUNTER AFFIDAVIT**  
**FILED BY THE RESPONDENT NO-1.**

Filed by:

M/s G.Ramana Rao(21855)

Advocate

Standing Counsel for Endowments

Rayalaseema Region, including SPSR

Nellore & Prakasam District.

Counsel for Respondent No-1.

9866843790

62

**IN THE HIGH COURT OF JUDICATURE, AT HYDERABAD  
FOR THE STATE OF TELANGANA AND FOR THE STATE OF ANDHRA PRADESH**

**W.P. No. 27788 of 2016**

Between:

Sri Narayana Swamy, S/o.N.Obanna  
Aged about 44 years, Occ:Attender,  
Sri Veerabhadra Swamy Temple,  
Rayachoti, YSR Kadapa-516269.  
Andhra Pradesh.  
R/o.69/95, Old Post Office,  
Rayachoti, YSR District.  
And 3 others

Petitioners

And

Sri Veerabhadra Swamy Temple,  
Rep.by its Executive officer,  
Rayachoti, YSR Kadapa-516269.  
Andhra Pradesh.  
And 3 others

Respondents

**COUNTER AFFIDAVIT FILED BY THE 4<sup>TH</sup> RESPONDENT.**

I Dr. M. Padhma, Aged 58 years occupation: Commissioner (FAC) Endowments Department, A.P., Gollapudi, Vijayawada Rural, Krishna District., do hereby solemnly affirm and sincerely state on oath as follows.

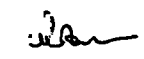
1) It is submitted that I am working as Commissioner (FAC) Endowments Department, A.P., and that I am 4<sup>th</sup> Respondent herein and as such I am well acquainted with the facts of the case.

2) I have read and understood the contents of the writ petition and in reply thereto I state that the materiel averments made in the affidavit of the 1<sup>st</sup> petitioner, which is filed in the support of Writ Petition are denied except the averments those are not contrary to the records of the case and specifically admitted herein. The petitioners are put to proof of the same.

3) It is submitted that petitioner Nos 1 to 4 together, who are working as Attender, Cook, Paricharika, and Archaka respectively on Contract basis with consolidated pay in Sri Veerabhadra Swamy Devasthanam, Rayachoti, Kadapa District (herein after referred as "subject temple"), filed this Writ Petition challenging the action of the

  
Attester

Gazetted Superintendent  
(Assistant Commissioner)  
Endowments Department  
Gollapudi, A.P., Amaravathi

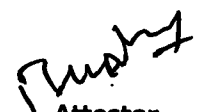
  
Deponent  
Commissioner  
Endowments Department,  
A.P. Gollapudi,  
Gollapudi, Vijayawada.




respondents in not following circular instructions of 2<sup>nd</sup> respondent vide Rc. No.J2/12961/1991, dt.07.04.2000 for regularization of the services of the petitioners as illegal, arbitrary and in violation of article 14,16(1),19 & 27 of constitution of India and consequently to direct the respondents for regularization of the services of the petitioners. The petitioners are not having any valid right for claiming the relief as above as they are working in the subject temple on contract basis only.

4) I humbly submit that the averments made in the Para nos . 2,4 to 15, 17 to 20, 23 to 27. are in support of annexure P1 to P22 and as such this respondent is not denying those averments but contending that petitioners have to prove before the Hon'ble High Court as to how far those documents are helpful to them to get the relief as sought for in the present case . In view of the above documents, the petitioners made out the case that they are working in the subject temple on contract basis on consolidated pay for more than 10 years. Inspirit of any length of services the contract employee will not be entitled to any right for regularization of his service on the length of services on contract basis. As a matter of fact their appointments were not made through any selection process. Therefore, the petitioners are not entitled the relief as prayed for.

5) it is submitted that it is true that the then Executive officer of the subject temple has taken the services of the 1<sup>st</sup> petitioner in the subject temple as an 'Attender' on payment of the daily wage of Rs 40/- per day and issued proceeding vide Rc.No. 90/2004 dt. 14.12.2004 and later converted him as contract employee and has been enhancing his consolidated pay from time to time with the permission of the competent authority and that 1<sup>st</sup> petitioner has completed 12years service and receiving consolidated pay of Rs. 10,000/- per month as on the date of filing of the Writ Petition. The 2<sup>nd</sup> petitioner had joined as a 'cook' on contract basis in the subject temple as per proceedings of the then Commissioner of Endowments Department vide D.Dis No F1/57755/2003, dt:15.03.2004 on payment of Rs 75/- per day and his consolidated pay is being enhanced from

  
Attester  
Gazetted Superintendent  
(Assistant Commissioner)  
Endowments Department  
Gollapudi, A.P., Amaravathi

  
Deponent  
Commissioner  
Endowments Department,  
A.P. Amaravathi,  
Gollapudi, Vijayawada

time to time and that 2<sup>nd</sup> petitioner has completed 12 years service as Cook and receiving consolidated pay of Rs. 9,500/- per month as on the date of filing of the Writ Petition. The 3<sup>rd</sup> petitioner had joined as 'Paricharika' in the subject temple on Contract basis on payment of Rs.30/- per day as per proceedings of 3<sup>rd</sup> respondent in D. Dis. No/1028/2005, Regional Joint Commissioner, Endowments Department, MZ-II, Tirupati, dt:09.05.2005 and subsequently his consolidated pay is being enhanced from time to time and that 3<sup>rd</sup> petitioner had completed 10 years of service as Paricharika on contract basis in the subject temple and receiving Rs.9,500/- per month as on date of the filing of the Writ Petition. The then Executive officer of the subject temple had taken the service of the 4<sup>th</sup> petitioner as 'Archaka' in the Subject Temple on contract basis from 07.06.2003 on payment of Rs.30/- per day and that the then Commissioner Endowments Department issued proceedings vide L. Dis No.F1/37228/2004, dt:29.04.2004 according permission to the Executive officer of the Subject Temple to continue the service of the 4<sup>th</sup> petitioner on contract basis. The consolidated pay of the 4<sup>th</sup> petitioner is being enhanced from time to time and that 4<sup>th</sup> petitioner had completed 14 years of service and receiving consolidated pay of Rs. 10,500/- per month as on the date of filing of the Writ Petition. Simply because of the above facts only, the petitioners are not entitled for regularization of their services in the subject temple.

6) It is submitted that this respondent has not admitting the fact that the petitioners are possessing qualification as required for the respective posts for regularization. The petitioners are put of strick proof of the same. No doubt the competent authority has sanctioned cadre strength of the subject temple as per proceedings of Regional Joint Commissioner, Endowments Department, MZ-II, Tirupati vide D. Dis. No. A1/859/04 dt. 25.02.2006 which includes Attender-2 posts, cook-1, paricharika-3, Archaka-4 posts etc., but the then Executive officer of subject temple did not take steps for filling up of the sanctioned cadre strength in the subject temple. While matter stood thus, the 1<sup>st</sup> petitioner and another gave a representation

  
Attester

Gazetted Superintendent  
(Assistant Commissioner)  
Endowments Department  
Gollapudi, A.P., Amaravathi

  
Deponent

Commissioner  
Endowments Department  
A.P. Amaravathi  
Gollapudi, A.P.

66

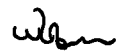
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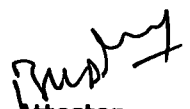
to the Commissioner, Endowments Department, on 23.09.2005 for regularization of their services. The same has been rejected. In mean while the Government have issued G.O.Rt. No. 1997, dt. 18.10.2005 prohibiting further recruitment in the Endowments Department. Thus, ban for recruitment in the Endowments Department is in force till this day, which include regularization on permanent basis also. Even otherwise, regularization of contract employees in the Endowments Department or in any other Department is a Government policy matter and that this respondent could not regularize the services of the contract employees in the Endowments Department by bye-passing the selection process of regular employee/ direct recruitee as laid down by the rules formed under G.O.Ms.No.888, dt.08.12.2000 i.e. vide rule 46.

7) I respectfully submit that recently in view of Government Memo36021/32/Endts-I(2)/2018-I, dt.04.07.2018 the then Commissioner, Endowments Department, issued proceeding vide memo no. A1/1059511/2018, dt.20.07.2018 directing the Executive officers of the temples to extend minimum time scale of pay to the NMRs /Contract employees working in the last grade service attached to the respective posts of the regular employees in the temple subject to fulfillment of some conditions mentioned in the said proceedings and enclosed the Government Memo also. Therefore, the writ Petitioners are not deprived of receiving minimum time scale of pay as 'consolidated pay' since they are working on contract base.

8) In view of the above mentioned facts and circumstances it is prayed that the Hon'ble High Court may be pleased to dismiss the writ petition and vacate interim orders if any granted in miscellaneous petitions and pass such other order/orders as the Hon'ble High Court may deem fit and proper in the circumstances of the case to meet the end of Justice.

Solemnly affirmed and Signed  
before me on this the 20<sup>th</sup> day,  
of September, 2018 at Vijayawada.

  
**DEPONENT**  
Commissioner  
Endowments Department,  
A.P. Amaravathi,  
Gollapudi, Vijayawada.

  
**Attester**  
Gazetted Superintendent  
(Assistant Commissioner)  
Endowments Department  
Gollapudi, A.P., Amaravathi

**VERIFICATION STATEMENT**

I Dr. M. Padhma, Aged 58, years occupation: Commissioner (FAC) Endowments Department, A.P., Gollapudi, Vijayawada Rural, Krishna District., do hereby verify and declare that the averments made in the paras 1 to 8 of counter affidavit are true and correct to the best of my knowledge, belief, information and as per material available on record.

Hence verified at Vijayawada on this the 20<sup>th</sup> day of September, 2018.



**DEPONENT**

Commissioner  
Endowments Department,  
A.P. Amaravathi,  
Gollapudi, Vijayawada.

Government Pleader for Endowments

Copy to  
Shri N. Ashwani Kumar  
Adviser  
68 9030263512  
APLAP-28-17-3-15-75,000.

DISTRICT: Kadapa

IN THE HIGH COURT OF JUDICATURE  
AT HYDERABAD  
FOR THE STATE OF TELANGANA AND  
FOR THE STATE OF ANDHRA PRADESH.

WP.NO. 27788 OF 2016

Counter Affidavit filed by the 4<sup>th</sup>  
Respondent

Received Copy:

Dated:

4/10/18  
11:40 AM

GOVT. PLEADER FOR P. Raj  
{COMPUTER CODE NO. 15546 }  
Other Side Counsel:  
M/s:

GP  
GP'S COPY

DISTRICT :: YSR KADAPA

IN THE HIGH COURT OF  
ANDHRA PRADESH AT  
AMARAVATHI

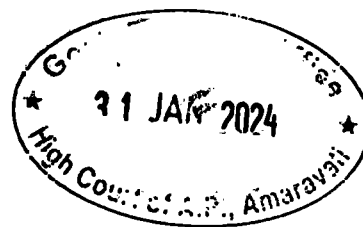
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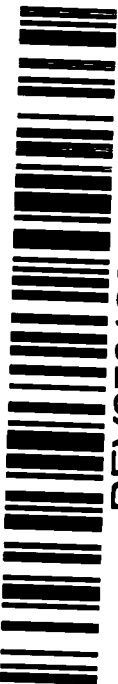
W.P.NO. 27788 OF 2016

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CONTEMPT PETITION



Acknowledgement No.:



REV070132800

Wednesday, Jan 31, 2024 13:01:12 PM

APOLCMS

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FILED BY:-

N ASHWANI KUMAR (11879)  
ADVOCATE

COUNSEL FOR THE PETITIONER

9676309886