

**THE HON'BLE SRI JUSTICE TARLADA RAJASEKHAR RAO**

**WRIT PETITION Nos.18756 and 44837 OF 2016**

**COMMON ORDER:**

The present Writ petitions are being filed for issuance of Writ of Mandamus, by declaring the action of respondents as illegal and arbitrary in not regularizing the service of the petitioners as Archakas in respondent No.3 – Sri Kalahastheeswra Swamy Vari Devasthanam. Though they are working since 2002 without any remuneration or any salary and they are highly experienced and though there are adequate and sufficient post of Archakas in respondent No.3 – Sri Kalahastheeswra Swamy Vari Devasthanam. And despite several representations were submitted to the respondents seeking regularization of services, their representations were not considered. Hence, prayed to direct the respondent No.3 to forthwith regularize the petitioner as Archakas in the respondent No.3 – Sri Kalahastheeswra Swamy Vari Devasthanam.

2. The learned counsel appearing for the respondent No.3 submitted that he has filed counter and relevant paragraph is hereby extracted and read as follows:

*“Para 4 : I submit that sufficient qualified and experienced staff are available in this Devasthanam to guide devotees. If any staff are required in this Devasthanam, this Devasthanam will call for tenders or issue notification for recruitment. The Commissioner, endowments Department, A.P has also issued circular orders in Rc.No.A1/1726091/2018, dated 24.09.2018, not to entertain free service holders in temples in any manner. If necessary any post*

*in the religious side in this 3<sup>rd</sup> respondent Devasthanam, certainly the 3<sup>rd</sup> respondent Devasthanam will issue notification as per rules in vogue and proceed with the selection process and no favoritism can be shown to anybody and when the staff in religious side is sufficient, there is no need to regularize the services of anybody who are not all concerned with this 3<sup>rd</sup> respondent Devasthanam. Petitioners are not all concerned with this Devasthanam and they are not entitled to seek any relief against this subject Devasthanam.”*

3. The sum and substance of the counter is that though the services of the petitioners are not required and adequate staff are available in the Devasthanam to guide the devotees and also issued a circular orders in Rc.No.A1/1726091/2018, dated 24.09.2018 not to entertain free service holders in temples in any manner and that there is no employer and employee relationship between the petitioners and the respondent No.3 – Sri Kalahastheeswra Swamy Vari Devasthanam and no remuneration was given to the petitioners. Hence, petitioners are not entitle for the regularization and hereby implored to dismiss the Writ Petitions.

4. The counsel appeared for the respondent temple vehemently contended that unless a person is appointed on regular basis according to Rules after consideration of the claims on merits, there is no question of regularization of the services, that their services are no remuneration basis and if any order for regular appointment which would be a back door entry.

5. The learned counsel for the petitioners relied on the contention of the respondent No.3, and also on the proceedings dated 10.12.2010, where the Special Grade Deputy Collector/ Executive Officer has

addressed to the Endowment's Department stating that ten Archakas are rendering free service and out of that only six eligible Archakas, who are rendering free service from the last five years, the above said persons are attending to assist the regular Mukhya Archakas and also at the temples where no Archakas are available. Due to the work load the services of the above persons, who are qualified for the post of Archakas are essential to work on contractual basis at a remuneration of Rs.6,000/- per month to each as per the orders of Darmika Parishad.

6. The counsel appeared for the petitioner vociferously contended that the respondents cannot retain the petitioners for such a long time without making their status permanent. In fact, according to him, the Supreme Court has deprecated this kind of action of the employer. He also stated that the service does give a right to the petitioners for regularisation, reasonable anticipation that the representation for absorption/regularisation would be accepted. Even after several representations to the respondents but the same have not been decided, resulted in filing of the present petition.

7. The learned counsel appearing for the petitioner relied on the order dated 27.02.2024 passed in W.P.No.23424 of 2020 and batch, wherein a Division Bench of this Court has relegated the issue of regularization to the Commissioner, Endowments.

8. In view of the orders passed in batch of W.P.Nos.23424 of 2020, this Court is inclined to dispose of the Writ Petitions directing the petitioners herein to file a fresh representation to the 2<sup>nd</sup> respondent-Commissioner within a period of two (02) weeks from the date of receipt of copy of this order and on receiving of such representation, the 2<sup>nd</sup> respondent-Commissioner is directed to examine and pass appropriate

orders in accordance with law and also keep in view of the proceedings in Rc.No.A1/2466/2010, dated 10.12.2010, where the Special Grade Deputy Collector & Executive Officer requested the Commissioner for regularization of Archakas in the temple and it is needless to say that the 2<sup>nd</sup> respondent – Commissioner shall dispose of the representation in accordance with law within a period of six (06) weeks from the date of representation submitted by the petitioners and communicate the same, to the petitioners.

9. Accordingly, the Writ Petitions are disposed of. No order as to costs.

As a sequel, miscellaneous petitions, if any, pending in these writ petitions shall stand closed.

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**JUSTICE TARLADA RAJASEKHAR RAO**

Date: 22.04.2024

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**THE HON'BLE SRI JUSTICE TARLADA RAJASEKHARA RAO****WRIT PETITION Nos.18756 & 44837 OF 2016****Date: 22.04.2024*****DSV***

**HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI****MAIN CASE:W.P.Nos.18756 & 44837 OF 2016****PROCEEDING SHEET**

Sl. No	DATE	ORDER	Office Note
	22.04.2024	<p><b><u>TRR, J</u></b></p> <p>The Writ Petitions are disposed of. (vide separate order)</p> <p style="text-align: right;">_____ <b>TRR,J</b> DSV</p>	

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