A STATE OF KERALA ETC.

v.

GURUVAYUR DEVASWOM MANAGING COMMITTEE AND ORS. ETC.

NOVEMBER 18, 1996

B

[K. RAMASWAMY AND G.B. PATTANAIK, JJ.]

Guruvayur Devaswom Act, 1978 :

C *s. 19—Guruvayur Devaswom—Recruitment of clerks—Written test cancelled due to leakage of question paper—Interview Board reconstituted—Claim for expenditure incurred on examination and remuneration to Administrator of Guruvayur Devaswom for service rendered by him in connection with examinations—Held, authority competent to scrutinies the amount spent would go into the matter and pass appropriate orders* D *sanctioning the amount spent by Administrator in conducting examinations—As regards the remuneration to Administrator, it being a discretion exercised by High Court in an extra-ordinary situation, order of High Court needs no interference, but it would not be treated as a precedent.*

E CIVIL APPELLATE JURISDICTION : Special Leave Petition (C) No. 21792 of 1996. Etc.

From the Judgment and Order dated 2.7.96 of the Kerala High Court in C.M.P. No. 31054 of 1995.

F V.R. Reddy, Additional Solicitor General, G. Prakash and Mrs. Beena Prakash for the Petitioners.

The following Order of the Court was delivered :

G SLP (C) NO. 21792/96:

The grievance in this special leave petition, filed against the order of the Division Bench of the Kerala High Court, made on July 2, 1996 in CMP No. 31034/95 in OP NO. 10608/93, is two-fold, namely, the direction to sanction a sum of Rs.7,10,212 incurred by one Shri Raghavan, H Administrator and the direction to pay a sum of Rs. 35,000 being monetary

consideration for the work done by Raghavan as Administrator in conducting the examinations. A

Shri V.R. Reddy, learned Additional Solicitor General, contended that the amount of Rs. 7,10,212 spent by Shri Raghavan in connection with conducting the examinations would be dealt with in accordance with the administrative procedure prescribed by the Dewaswom Committee in B that behalf and the direction for sanction would run counter to the administrative procedure prescribed in that behalf and it will create unnecessary complications in scrutinising the accounts and passing the bills towards the amount spent by Shri Raghavan. It is also assured by Shri V.R. Reddy that if the expenditure has been spent in accordance with the requirements and principles, the same will be sanctioned by the C competent authority in that behalf. We need not deal in that behalf at length. Suffice it to state that the authority competent to scrutinise the amount spent would go into the matter and pass appropriate orders sanctioning the amount spent by the Administrator in conducting the examinations.

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With regard to the second aspect, namely, the direction to pay monetary consideration in a sum of Rs. 35,000 towards the exemplary work done by Raghavan, we feel that the High Court, perhaps found it necessary to direct payment of the said amount in addition to commendation of the work done by Raghavan. It being a discretion exercised in an E extraordinary situation, perhaps, we may not incline to interfere with the direction. But we make it clear that it would not be treated as a precedent in every case wherever an officer on deputation does the work at the directions of the Court; he would also be entitled to monetary considerations in addition to the normal service and the salary received for doing that service. We take this decision for the reason that perhaps the officer did F not bargain for such direction for payment in rendering the service and any notice to him would put him in embarrassing situation and the Court also will not be in a position to say anything when the matter goes on notice. In this situation, we are not inclined to interfere with the direction issued by the Division Bench of the High Court in this behalf.

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The petition is accordingly ordered with the above observations.

IN SLP (C) NO. 23650 /96 (CC-5886/96):

Permission to file special leave petition is granted. H

A In this matter, the petitioner is aggrieved of the observations made by the Division Bench in the aforesaid order. The petitioner states that this Court in *Guruvayoor Devaswom Managing Committee* v. *Chairman, Guruvayoor Devaswom Managing Committee and Ors.*, [1996] 7 SCC 505 has upheld the action taken by the petitioner and, therefore, the observations made were not justified or warranted. Those observations
B came to be made without any notice to him or hearing him. We need not pursue the matter at this end. It would be open to the petitioner to make an application in the High Court to expunge the remarks and the High Court would deal with it accordingly.

The petition is accordingly dismissed with the above liberty.

C

R.P. Petition dismissed.