

THE HON'BLE SRI JUSTICE G. CHANDRAIAH

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AND

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THE HON'BLE SRI JUSTICE U. DURGA PRASAD RAO

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WRIT PETITION No. 35089 of 2015

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ORDER: (per Hon'ble Sri Justice U. Durga Prasad Rao)

Aggrieved by the dismissal of O.A.No.1468 of 2007 and M.A.No.2369 of 2010, by orders dated 31.12.2010, by the Andhra Pradesh Administrative Tribunal, this writ petition is filed.

2. The gist of the averments in the writ affidavit is that the petitioner was appointed as Cashier on 10.01.1952 (prior to the formation of erstwhile Andhra Pradesh State) in the Pension Payment Office, Motigalli, Hyderabad. As per the Rules existing during that time, a person putting in five years of service as Cashier would become eligible for promotion as Lower Division Accountant (LDA) on the basis of seniority. The petitioner was promoted as LDA in the year 1968 whereas his juniors were promoted much prior to him. Alleging that his office did not properly maintain his service particulars and seniority, he made a representation to the Government and the Government issued a direction to include the name of the petitioner in the panel of AIS for the year 1975/79 and thereafter the petitioner was promoted as Upper Division Accountant in 1982 and as Superintendent in the year 1990 and later retired on 30.06.1991. It is his precise grievance that due to improper maintenance of his seniority list, his juniors got promoted before him and thus he could not get timely promotions. With a deep sense of injustice that is purportedly meted out to him, the petitioner approached Pension Lok Adalat by way of filing a petition, and notices were sent to the respondents. The respondents filed their para-wise comments stating "*there was abnormal delay and the connected records are not*

available to verify the truth or otherwise of the facts". The Pension Lok Adalat closed the petition with liberty to the petitioner to approach any other forum for redressal. The petitioner approached Andhra Pradesh Appellate Tribunal by filing O.A.No.1468 of 2007 with M.A.No.2369 of 2010, and notices were issued to the respondents. The respondents filed their counter denying the allegations of the petitioner and stated that relevant records are not available at this length of time and that taking advantage of non-availability of records, the petitioner is trying to mislead the Court for undue advantage. The Tribunal dismissed the O.A.No.1468 of 2007 with M.A.No.2369 of 2010, by orders dated 31.12.2010, for laches on the part of the petitioner. Hence, this writ petition.

3. Heard the learned counsel for petitioner and the learned Government Pleader.

4. A perusal of the orders impugned would show that the learned Tribunal dismissed the application on the ground of laches on the part of the petitioner and also relying on the judgment of the Division Bench of this Court in **S. Jaffar Sahib v. State of Andhra Pradesh**, wherein this Court held as follows:

"Administrative Tribunals should examine applications made before it, before entertaining them and issuing notice to opposite parties whether they are fit for adjudication or trial and whether they are barred by limitation."

5. It is not in dispute that if a person is aggrieved by an administrative action, he has to approach the appropriate authority within a reasonable time under the relevant Act or Rules applicable. In this case, the petitioner retired in the cadre of Superintendent in the year 1991 and he approached the State Human Rights Commission in the year 2006 which application was referred to the Pension Lok Adalat on 17.06.2006 and thereafter he approached the Tribunal. The petitioner was not prudent in taking appropriate steps within reasonable time and he approached the Tribunal much after his retirement seeking pensionary and other benefits. The learned Tribunal, after taking into account all these aspects, has rightly dismissed the application of the petitioner considering the contention of respondents that

relevant records are not available to verify the truth or otherwise of the petitioner's allegations, after a long lapse of 50 years.

6. In that view of the matter, we do not see any reason to interfere with the impugned orders of the Tribunal, dated 31.12.2010.

7. The writ petition is, accordingly, dismissed. No costs. Miscellaneous petitions, if any pending, shall stand closed.

G. CHANDRAIAH, J

U. DURGA PRASAD RAO, J

02nd November, 2015

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