

HON'BLE SRI JUSTICE P.NAVEEN RAO

Writ Petition No.167 of 2012

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ORDER:

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The averments in the affidavit filed in support of the writ petition disclose that the petitioner was initially joined in service as Supervisor in the year 1969. In the year 1981, he was promoted as Technical Supervisor. While so, in the year 1984, disciplinary action was initiated against him for misappropriation of funds and he was placed under suspension. Pending departmental action, he was reinstated into service in the year 1987. It appears he was compulsorily retired from service in the year 1990. But subsequently, he was inducted into service in the year 1994 and on attaining the age of superannuation, he retired from service on 30.06.2003. This writ petition was instituted claiming that the petitioner is entitled for application of revised pay scales and sanction of annual increments since 1981, as the same are not paid.

2. The petitioner seems to have filed a representation in the year 2003 requesting for grant of increments and it was forwarded to the higher authorities. There is no mention in the affidavit that what steps are taken thereafter till the present writ petition is instituted.

3. Brief analyses of the above facts would disclose that the claim of the petitioner relates to the period prior to 1984 when he was withdrawn from service compulsorily; for sanction of annual increments from the year 1981 and application of revised pay scales from 1983 onwards. In the affidavit filed in support of the writ petition, the basic facts are not stated by the petitioner. There is no mention as to why the revised pay scales were not extended to him and whether the period of suspension was regularised and what was the nature of the order passed in the year 1994 when he was inducted into service. The affidavit is also silent as to the steps taken by the petitioner after 1994 till 30.06.2003 when he retired from service. Further more, the affidavit is also silent about the steps taken by the petitioner after

his retirement except making a representation on 16.10.2003. The claim made in the writ petition relates to sanction of annual increments of the year 1981 and application of revised pay scales from the year 1983 i.e., more than 30 years and more than 9 years after the petitioner retired from service. Thus the claim in the writ petition is hopelessly barred by inordinate delay in prosecuting the issue. The affidavit is silent as to the justification for not invoking the jurisdiction immediately or within the reasonable time from the date of retirement. Hence, the relief in the writ petition cannot be granted and this court cannot exercise its extraordinary jurisdiction under Article 226 of the Constitution of India, at the instance of petitioner who was not diligent in prosecuting his grievance.

4. The writ petition is accordingly dismissed at the stage of admission. Pending miscellaneous petitions, if any, in this writ petition, shall stand closed. No order as to costs.

P. NAVEEN RAO, J

Date: 26.11.2015

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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