

**THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO
AND**

THE HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

WRIT APPEAL No. 2330 OF 2005

J U D G M E N T : *(per Hon'ble Sri Justice Nooty Ramamohana Rao)*

None appears for the appellant when the matter is taken up today, though last week, a request was made to adjourn the case by a week to secure instructions.

This Writ Appeal is preferred by the petitioner in Writ Petition No. 9650 of 2005, which was instituted challenging the orders passed by the respondent Tirumala Tirupati Devasthanams on 22.02.2005 rejecting his claim for payment of pension, on the ground that he has put in the minimum qualifying length of service to earn pension. The facts as were revealed are these:

The writ petitioner – appellant appears to be an Ex-serviceman. He was employed as a Vigilance Guard by the respondent Devasthanams in the year 1982. His services were regularized with effect from 19.10.1987 by proceedings, dated 15.03.1990. He has retired from service of the respondent Devasthanams in February 1994. Upon such retirement, he was paid only retirement gratuity, but he was not granted regular pension, as he has not put in the requisite service of ten years, which is the minimum qualifying service, which can fetch a right to earn pension. Though he retired in February 1994 and he was not paid pension, he kept quiet for more than a decade and submitted a representation on 13.12.2004 seeking payment of pension. That was rejected by the order dated 22.02.2005. In the absence of any plausible explanation as to why the writ petitioner – appellant has kept quiet for nearly 10 long years after his retirement for staking a claim for pension, the learned Single Judge

has dismissed the Writ Petition.

We are not in a position to appreciate as to why a belated claim made by the petitioner – appellant for settling pension in his favour should be entertained by this Court. When once the discretion has been properly exercised by the learned Single Judge, in an in-house Appeal, we are not supposed to substitute our views to that of the learned Single Judge, so long as the view expressed by the learned Single Judge is a plausible one. Though delay may not defeat all the rights and extinguish them as well, but however, an unexplained delay, particularly which is likely to cause financial burden on the opposite party, cannot be ignored easily.

Hence, we are of the view that there is no merit in this Writ Appeal and it is accordingly, dismissed. No costs.

Consequently, the miscellaneous applications, if any shall also stand dismissed.

NOOTY RAMAMOHANA RAO, J

DR. B. SIVA SANKARA RAO, J

30th March 2016

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