

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.7691 OF 2011

ORDER:

This Writ Petition is filed for the following relief:

“... to issue a writ order or direction particularly one in the nature of writ of mandamus declaring that the petitioner is entitled to be fixed his seniority in the category of LDC taking the service rendered in the category of Typist and reviewed his promotions to the next high categories of UDC, Junior Accounts Officer and Assistant Accounts Officer and then fix his pay notionally in the category of UDC and thereafter in the higher posts of Junior Accounts Officer and Assistant Accounts Officer and consequently fixed his pension notionally on the basis of the order in Writ Petition No.565/1982 dated 05.06.1987 in the interest of justice and pass such other order or orders as this Hon'ble Court deems fit and proper in the circumstances of the case.”

2. Heard learned counsel for the petitioner and learned Standing Counsel appearing for the respondents.

3. The facts, which are not in dispute, are that the petitioner was appointed as Typist in Operation Circle of the erstwhile Andhra Pradesh State Electricity Board, Warangal, on 24.11.1969. He was subsequently converted as Lower Division Clerk (LDC) with effect from 17.01.1975. He was promoted as Upper Division Clerk (UDC) on 08.01.1982 and when he was sought to be reverted within few days thereafter, he filed W.P.No.565 of 1982. The claim made in the said Writ Petition was to count the services rendered by the petitioner as Typist for the purpose of seniority in the LDC cadre. The said Writ Petition was allowed in terms of W.P.No.215 of 1979 on 14.03.1984. It appears that the petitioner was promoted as UDC on 09.10.1990. Based on the said promotion, he was further promoted as Junior Accounts Officer and later Assistant Accounts Officer in which cadre he retired from service on attaining the age of superannuation on

30.09.2006. The petitioner now seeks to count his seniority in LDC cadre by taking into consideration the services rendered as Typist and as a consequence to review the promotions made to all higher categories and to grant such promotions.

4. As seen from the averments in the affidavit, the affidavit is silent as to what steps were taken by the petitioner after the decision of this Court in W.P.No.565 of 1982 and if the petitioner has the advantage of a decision in his favour, why he was promoted in the year 1990 in the cadre of UDC afresh. The facts narrated in the affidavit would disclose that he made a representation on 17.12.2008, i.e., after more than two years of his retirement. There is no whisper in the affidavit as to why this Writ Petition is instituted after five years from the date of retirement and after 21 years from the date of arising of cause of action. Even if the promotion granted to the petitioner in the cadre of UDC in 1990 is taken into consideration, unless it is specifically asserted that a person junior to him was promoted prior to the promotion granted to him in 1990 as UDC, he cannot have grievance. Even assuming that a person junior to the petitioner was promoted prior to the promotion granted to him, he ought to have agitated the grievance soon thereafter. Thus, the claim made in the Writ Petition is hit by inordinate delay and laches on the part of the petitioner. It is also to be seen that none of the persons who may have been promoted to higher cadres prior to the promotion granted to the petitioner and who, according to petitioner, are juniors, if the services rendered by him in Typist cadre are counted in LDC cadre, ought to have been made parties to the Writ Petition. If the relief sought for by the petitioner is granted, even assuming that the delay and laches are ignored, it would be affecting all those promotions granted long ago. Thus, no relief, as sought for by the petitioner, can be granted in this Writ Petition.

5. The Writ Petition is accordingly dismissed. There shall be no order as to costs.

Miscellaneous petitions, if any, filed in this Writ Petition shall stand closed.

P. NAVEEN RAO, J

Date:26.08.2016

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