

The Hon'ble Sri Justice C.V.Nagarjuna Reddy
and

The Hon'ble Sri Justice M.S.K.Jaiswal

Writ Petition No.5362 of 2016

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Date: 19.02.2016

Between:

The State of Telangana
rep. by its Prl.Secretary to Govt.,
Hyderabad and another

.. Petitioners

and

Mr.M.Srisailam and another

.. Respondents

Counsel for the petitioner :

GP for Services

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The Court made the following:

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Order : (Per Hon'ble Sri CVNR, J)

This Writ Petition is filed for a Mandamus to set aside Order, dated 08-08-2013, in OA.No.2014 of 2010 on the file of the Andhra Pradesh Administrative Tribunal at Hyderabad (for short 'the Tribunal').

Before advertng to the merits of the case, it needs to be observed that this Writ Petition is filed more than 2½ years after disposal of the OA by the Tribunal. No explanation whatsoever has been offered by the petitioners for the inordinate delay in filing this Writ Petition. Therefore, the Writ Petition is liable to be dismissed on the ground of laches alone.

Even on merits, this Court finds that the reasons given by the Tribunal in support of its conclusions are not only convincing but also plausible. The Tribunal has applied the Doctrine of Parity in treating two similarly situated employees in the matter of imposing penalties. It is an admitted fact that while J.Appa Rao, Deputy Executive Engineer, was also found guilty in the disciplinary proceedings, no penalty was imposed upon him whereas the petitioner has been punished for the alleged slackness in supervising the execution of

works. Based on the Doctrine of Parity as enunciated by the Supreme Court in **Tata Engineering and Locomotive Co. Ltd. vs. Jitendra Pd.Singh and another**^[1], **Rajendra Yadav vs. State of Madhya Pradesh and others**^[2] and the judgment of this Court in **D.Srinivas vs. Govt. of A.P. Transport, Roads and Buildings (VIG.I) Dept. and others**^[3] and various other judgments, the Tribunal has set aside the penalty imposed on the petitioner. Therefore, we do not find any legal or jurisdictional error in the impugned order of the Tribunal.

Hence, this Writ Petition is dismissed.

As a sequel to dismissal of the Writ Petition, WPMP.No.6825 of 2016, filed by the petitioners for interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

(M.S.K.Jaiswal, J)

Dt: 19th February, 2016
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^[1] (2001) 10 SCC 530

[\[2\]](#) (2013) 3 SCC 73

[\[3\]](#) 2013 (4) ALT 1 (DB)