

**HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
THE HON'BLE MRS JUSTICE ANIS**

WRIT PETITION No. 5670 OF 2016

Date: 03.03.2016

Between:

Gude Raju,
Krishna District.

..... Petitioner

And:

The State of Andhra Pradesh,
Rep. by its Principal Secretary,
Home Department,
AP Secretariat Buildings,
Hyderabad, and others.

.....Respondents

Counsel for the Petitioner: Sri N. Ramesh

Counsel for Respondent Nos.1 to 4: GP for Home

The Court made the following:

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ORDER *(Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)*

The applicant in M.A.No.1824 of 2015 filed this writ petition feeling aggrieved by order dated 11.12.2015 in O.A.S.R.No.8778 of 2015 in M.A.No.1824 of 2015 of the Andhra Pradesh Administrative Tribunal at Hyderabad (for short 'the Tribunal').

The petitioner was selected as SPF Constable and placed on probation. During the probation period, he was unauthorisedly absent and his whereabouts were not known from 28.12.2010 (AN). By order dated 26.03.2011, respondent No.3 has terminated the petitioner's probation on the ground that his performance and conduct were unsatisfactory. Feeling aggrieved by this order, the petitioner filed an appeal, which was dismissed by the appellate authority on 10.06.2011. Remaining quiet for a period of four years, the petitioner filed the above-mentioned O.A.S.R with the application for condonation of delay. The said application along with the O.A.S.R having been dismissed by the Tribunal, the petitioner filed this writ petition.

At the hearing, learned counsel for the petitioner submitted that as the criminal case, which was falsely registered against the petitioner, was pending till the Year 2013, he could not approach the Tribunal at earlier point of time.

In our opinion, the petitioner failed to offer satisfactory explanation for the inordinate delay in approaching the Tribunal. It is not in dispute that after the petitioner was arrested on 17.12.2010 on the charge of rape, he was released on bail on 22.01.2011 and immediately after release, he has not reported to duty till 26.03.2011 and the order of discharge was passed thereafter. Though the petitioner was prompt in filing an appeal, which was dismissed on 10.06.2011, he appeared to have gone into hibernation and woken up only four years later. Pendency of criminal case, in our opinion, has no relevance at all to the failure of the petitioner to avail legal remedy against appellate order dated 10.06.2011. Even after his acquittal in the Year 2013, the petitioner has not immediately moved the Tribunal

and he has filed the O.A almost two years later.

In the face of the above-undisputed facts, we do not find any error in the order of the Tribunal declining to condone the huge delay in filing the O.A.

For the above-mentioned reasons, the Writ Petition is dismissed.

As a sequel to dismissal of the Writ Petition, W.P.M.P.No.7220 of 2016 filed by the petitioner for interim relief is dismissed as infructuous.

C.V.NAGARJUNA REDDY, J

ANIS, J

Date: 03.03.2016

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