

**THE HON'BLE SRI JUSTICE A.V. SESA SAI**

**WRIT PETITION No.14489 of 2003**

**ORDER:**

This writ petition, filed under Article 226 of the Constitution of India, challenges the Memo bearing No.DEE/SDPT/Adm/C/D.No.361/76, dated 30-03-1976 issued by the Divisional Electrical Engineer Operation, Siddipet and the Memo bearing No.DS(Per)/AS(Per)/PO(DC)/603-C1/2001, dated 18-10-2002 of the Chairman and Managing Director, Central Power Distribution Company Limited, Hyderabad.

Heard Sri S. Satyanarayana Rao, learned counsel for the petitioner and Sri R. Vinod Reddy, learned Standing Counsel for respondents.

According to the petitioner, he was initially appointed as Store Assistant in the respondent organization on 01-04-1973 and posted at Siddipet under the control of the Assistant Divisional Engineer Operation. Disciplinary enquiry was initiated against the petitioner by issuing a charge memo on 30-09-1975 and an Enquiry Officer was appointed, who submitted a report on 02-02-1976 holding the charges as proved. Thereafter the 3<sup>rd</sup> respondent – Divisional Engineer vide Memo, dated 30-03-1976 inflicted on the petitioner the punishment of stoppage of two annual grade increments with cumulative effect. Subsequently, the petitioner was reinstated into service on 01-04-1976. Thereafter after maintaining silence for more than 2½ decades, the petitioner herein filed a

mercy petition before the 1<sup>st</sup> respondent – Managing Director in the year 2002. The 1<sup>st</sup> respondent vide Memo, dated 18-10-2002 rejected the said mercy application as time barred.

When the matter is taken up, it is submitted by learned Standing Counsel for respondents organization that the present writ petition is liable to be dismissed on the sole ground of the laches on the part of the petitioner.

The information available before this Court candidly reveals that there is absolutely no explanation offered in the writ affidavit as to the abnormal delay in filing mercy application before the 1<sup>st</sup> respondent. Admittedly, in the instant case, the order of punishment was passed in the year 1976 and till 2002 the petitioner herein maintained absolute silence. No plausible explanation is forthcoming on the said exorbitant delay in approaching the 1<sup>st</sup> respondent against the orders of punishment. In the considered opinion of this Court the said ground alone is sufficient for dismissal of the present writ petition.

For the aforesaid reasons, the writ petition is dismissed. There shall be no order as to costs. The Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

**A.V. SESA SAI, J**

November 09, 2016

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