

**HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO**

**WRIT PETITION No.13710 of 2016**

**ORDER:**

1 . The petitioner was working as a Revenue Cashier and Upper Division Clerk in the A.P.S.E.B. from 1982 onwards. In the year 2001, he was posted to Ibrahimpatnam. He applied for leave from 24.06.1986 to 31.10.1986 due to domestic problems and later on as he suffered ill-health, he applied for medical leave from 01.03.1987 to 08.07.1987. When he produced the fitness certificate on 08.07.1987, a memo was issued on 31.10.1987 informing him why the period of leave should not be considered as extraordinary leave withholding the increments with cumulative effect as a measure of punishment as the authority got a doubt with regard to the medical certificate. The petitioner submitted an explanation on 09.12.1987 explaining the sickness. However, an order was passed on 01.03.1988 imposing the penalty of withholding two increments with cumulative effect and also treating the entire period as loss of pay. Challenging the same, the petitioner preferred an appeal with the appellate authority, who passed an order on 04.10.1993 rejecting the appeal. In spite of the same, the petitioner filed W.P.No.377 of 2004 before this Court and it was disposed of on 09.09.2010 with the following observations:

“Therefore, the writ petition is disposed of directing that in case the first respondent has not disposed of the appeal preferred by the petitioner against the order dated 01.03.1988 passed by the second respondent, he shall pass orders thereon within a period of two months from the date of receipt of a copy of this order. In case the appeal has already been disposed of, the petitioner is entitled to pursue remedies in accordance with law. There shall be no order as to costs.”

2. It is pertinent to state that by the date of disposal of the said writ petition as on 09.09.2010, the appellate authority passed the order on

04.10.1993. Now the present writ petition was filed challenging the said appellate authority order. In the entire affidavit, there is no explanation for the long delay that had taken place. But, in order to revive the said appeal, it appears that another appeal was preferred on 21.12.1999 and when the same was rejected on 28.09.2000, the said order was also included in the present challenge. In the instant case also, the order dated 28.09.2000 is challenged after 16 years. The period reckoned from the original disposal of the appeal on 04.10.1993 is taken into consideration, the present writ petition was filed after long lapse of 23 years. In the absence of any reason given for the undue delay and explaining the latches, this Court is constrained to dismiss the Writ Petition with costs.

3. The Writ Petition is accordingly dismissed with costs of Rs.2,000/- (Rupees Two thousand only) payable to the A.P. State Legal Services Authority, Hyderabad, within two weeks, failing which the A.P. State Legal Services Authority to take appropriate proceedings to recover the same.

Miscellaneous petitions, if any, pending shall stand closed.

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**A.RAMALINGESWARA RAO, J**

20-06-2016

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