

HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

W.P.No.37915 of 2016

ORDER:

Heard the learned counsel for the petitioner and Sri N.Vasudeva Reddy, learned Standing Counsel for the respondents.

2. A charge sheet was issued to the petitioner on 24-11-1997 alleging that the petitioner was absent from today from 19-10-1997 to 26-11-1997. Petitioner did not submit any explanation to the charge sheet. Enquiry was conducted and the charge was found proved but a lenient view was taken and on 27-04-1998, petitioner was taken back on duty on 08-06-1998. Thereafter on the ground that the petitioner absented himself unauthorizedly for a period of 12-07-1998 to 20-07-1998, order of removal was passed against the petitioner by 2nd respondent. Petitioner questioned the same by way of appeal before 3rd respondent which was rejected on 15-12-2004 by 3rd respondent. A further appeal was preferred by the petitioner to 4th respondent which was also rejected on 16-08-2005.

3. Though the petitioner claims to have filed a mercy petition to 5th respondent on 22-06-2015, copy of the same has not been filed.

4. Learned counsel for the petitioner contends that the very removal of the petitioner in 1998 and its confirmation in appeal by 3rd respondent on 15-12-2004 and by 4th respondent on 16-08-2005 are invalid.

5. Learned Standing Counsel for the respondents states that the petitioner was removed from service and the same had been confirmed by 4th respondent on 16-08-2005 and more than ten years later, this Writ

Petition has been filed. He also denied that any mercy petition filed by the petitioner is pending consideration before 5th respondent.

6. There is no valid explanation from the petitioner why from 16-08-2005 to 22-06-2015 he did not submit any mercy petition and there is also no evidence placed by the petitioner about submission of said mercy petition on 22-06-2015 as alleged in para-9 of the affidavit filed in support of the Writ Petition. Stale claim like the one raised by the petitioner cannot be entertained in view of doctrine of laches.

7. Therefore, I do not find any merit in the Writ Petition and the same is accordingly dismissed. No costs.

8. As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 04-11-2016
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