

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
HON'BLE SRI JUSTICE M.S.K.JAISWAL

WRIT PETITION No.3356 of 2016

Date:18.02.2016

Between:

The State of A.P., repled., by its
Secretary, Irrigation & CAD Department,
Hyderabad and five others.

....**Petitioners**

And:

S.Venkataramana,
S/o Kanthaiah and another.

.....**Respondents**

Counsel for the petitioners: Mr. P.Venugopal
Advocate General for the State of
A.P.

Counsel for Respondent No.1: Mr. P.Raghavender Reddy

The Court made the following:

ORDER: *(per Hon'ble Sri Justice C.V.Nagarjuna Reddy)*

The State of Andhra Pradesh and its functionaries of
the Irrigation and Command Area Development
Department filed this Writ Petition feeling aggrieved by
order, dated 14.11.2013, in O.A.No.1864 of 2013 of the

Andhra Pradesh Administrative Tribunal at Hyderabad (for short 'the Tribunal').

By the above-mentioned order, the Tribunal has allowed the said O.A. purporting to follow a Division Bench judgment of this Court in ***A.Pratap Singh and others Vs. A.P. State Electricity Board***^[1] and also order, dated 16.8.2012, in Writ Petition No.12924 of 2001 of this Court.

The short issue that arose before the Tribunal was whether the temporary services rendered by the petitioner as minor could be considered for the purpose of his regularization as per the scheme framed by the Government.

Having regard to the fact that the said O.A. was disposed of as far back as 14.11.2013 and this Writ Petition is filed more than two years three months thereafter, we are not inclined to examine the impugned order of the Tribunal on merits.

The law is well settled that though no limitation is stipulated for invoking the jurisdiction of this Court under Article-226 of the Constitution of India, an aggrieved party is bound to avail this remedy within a reasonable time and that, a Writ Petition is liable to be dismissed if delay is not properly explained without reference to its merits. (See ***State of Madhya Pradesh v. Bhailal Bhai***^[2], ***Tilokchand Motichand v. H.B. Munshi***^[3], ***P.S. Sadasivaswamy v. State of T.N.***^[4], ***Mafatlal Industries Ltd. v. Union of India***^[5] and ***Roshan Lal v. International Airport Authority of India***^[6]).

We have carefully gone through the averments contained in the affidavit, filed in support of the Writ Petition, and we do not find any justifiable reason

whatsoever assigned by the petitioners for approaching this Court with a delay of two and quarter years.

On the facts and in the circumstances of the case, we are of the opinion that the Writ Petition suffers from long and unexplained delay and therefore, without expressing any opinion on the merits of the case as to the entitlement or otherwise of the petitioner for consideration of his services rendered as minor for the purpose of regularization, we choose to dismiss the Writ Petition only on the ground of laches.

The question raised in this Writ Petition, viz., whether the temporary services rendered by a minor are not qualified for being counted for regularization, is kept open to be decided in appropriate case.

Mr. P.Venugopal, learned Advocate General for the State of Andhra Pradesh, requested that the petitioners may be granted three months' time for implementation of the impugned order of the Tribunal.

We, accordingly, accept his request and grant the petitioners three months' time for implementation of the impugned order of the Tribunal.

The Writ Petition is, accordingly, dismissed subject to the time granted to the petitioners for implementation of the impugned order as above.

As a sequel to dismissal of the Writ Petition, WPMP.Nos.4290 and 4291 of 2016 filed by the petitioners for interim relief are disposed of as infructuous.

*JUSTICE C.V.NAGARJUNA
REDDY*

JUSTICE M.S.K.JAISWAL

18th February, 2016
DR

[\[1\]](#) 2000(6) ALT 522 (D.B)
[\[2\]](#) AIR 1964 SC 1006
[\[3\]](#) AIR 1970 SC 898
[\[4\]](#) (1975) 1 SCC 152
[\[5\]](#) JT 1996 (11) SC 283
[\[6\]](#) AIR 1981 SC 597