

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

THE HON'BLE SRI JUSTICE G. SHYAM PRASAD

WRIT APPEAL No. 1415 of 2016

JUDGMENT: (*Per VRS,J*)

As against a penalty of stoppage of increment imposed on 12.08.1992, the appellant filed a statutory appeal on 10.10.1992 and came up with a writ petition in W.P.No.22860 of 2016. The prayer made in the writ petition was only for disposal of the appeal. But, the learned single Judge dismissed the writ petition, on the ground of delay and laches, forcing him to come up with the above writ appeal.

2. Heard the learned counsel on both sides.

3. Admittedly, the order of penalty was dated 12.08.1992 and the appeal was filed on 10.10.1992. Merely because the appellant was informed, in response to a query under the R.T.I.Act, 2005 that his appeal would be disposed of after the papers are received, it does not mean that the Court would exercise the jurisdiction under Article 226 in respect of such a stale claim. Therefore, the learned single Judge was right in dismissing the writ petition on the ground of delay and laches. We find no reason to interfere with the order of the learned Judge. Hence, the Writ Appeal is dismissed.

Consequently, miscellaneous petitions if any pending in the writ appeal shall stand dismissed. No order as to costs.

V. RAMASUBRAMANIAN, J

G. SHYAM PRASAD, J

22nd December, 2016
cbs





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