

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA
REDDY

AND
THE HON'BLE MRS. JUSTICE ANIS

WRIT PETITION No.6523 of 2016

03.03.2016

Between:

M.V.Ramana Reddy

..Petitioner

And

The State of Andhra Pradesh,
represented by its Principal Secretary,
Department of Revenue, Hyderabad and others

..Respondents

Counsel for the petitioner: Mr.C.Hanumantha Rayudu

Counsel for respondent Nos.1 to 4: Government Pleader for Services
(AP)

Counsel for respondent No.5: --

The Court made the following:

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ORDER: (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

This writ petition is filed for a *certiorari* to quash the order, dated 04.11.2015, in O.A.No.7586 of 2013 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad (for short 'the Tribunal') - respondent No.5.

2. The brief facts leading to the filing of this writ petition are that the petitioner claimed that his father was appointed as Village Administrative Officer (V.A.O.), that his father applied for leave for the period from 15.10.2001 to 14.04.2002, that as a nominee of his father, he was appointed as a temporary V.A.O. for the aforesaid leave period and that he was allowed to work from 15.10.2001 to 31.12.2001. The V.A.O. system was abolished with effect from 01.01.2002 and by G.O.Ms.No.39, Revenue (Village Administration) Department, dated 11.01.2008, the Andhra Pradesh Village Revenue Officers Service Rules came into existence, as per which, one of the sources of appointment to the post of Village Revenue Officer (V.R.O.) is to consider and appoint former V.A.Os. Evidently, the petitioner was treated as having worked as a temporary V.A.O. and respondent No.3 issued a proceeding on 21.04.2008 appointing him as V.R.O. The fact, however, remained that the said order was never served on the petitioner, as a result of which, he has not joined duty as V.R.O. Five years after the said order was passed by respondent No.3, the petitioner filed the aforementioned O.A. for declaring the action of the respondents in not permitting him to work as V.R.O. Peddagummadapuram Village, Kothapally Mandal, Kurnool District, despite the order, dated 21.04.2008, passed by respondent No.3 appointing him as V.R.O. as illegal and arbitrary.

3. The respondents filed a counter-affidavit before the Tribunal and

contested the O.A. It was, *inter alia*, averred in the counter-affidavit that the petitioner's father never worked as V.A.O., that he only worked as a Panchayat Secretary for a brief period from January, 2002 to April, 2002 and that therefore, the question of the petitioner having been allowed to work as a temporary V.A.O. in place of his father did not arise. It was further averred that as the V.A.O. system was abolished from 01.01.2002, the petitioner would not have been permitted to work as the V.A.O. after the said date. As regards the order, dated 21.04.2008, of respondent No.3 appointing the petitioner as V.R.O., it was averred that the same was issued under a mistake of fact and upon realizing the same, it was not served on the petitioner, as a result of which, he has not joined duty as V.R.O. No reply was filed by the petitioner controverting the abovementioned averments in the counter-affidavit, before the Tribunal.

4. The Tribunal, on consideration of the respective pleadings of the parties and the material on record, accepted the pleas of the respondents and dismissed the O.A., by the impugned order. Feeling aggrieved thereby, the applicant in the O.A. filed this writ petition.

5. The facts narrated in the counter-affidavit before the Tribunal could not be effectively contradicted by the petitioner, by producing any material, such as the appointment of his father as V.A.O. and his own purported temporary appointment from 15.01.2001, when his father allegedly went on leave. In the absence of such material, the plea of the respondents that the order, dated 21.04.2008, was issued by respondent No.3 under a mistake was rightly found acceptance by the Tribunal. Further, it is not in dispute that the aforesaid order appointing the petitioner as V.R.O. was never served on him. Therefore, the petitioner cannot claim any right having been vested in him as the V.R.O. During the pendency of the O.A., respondent No.3 has cancelled the aforesaid order, dated 21.04.2008, by order, dated

17.07.2014, as evident from the counter-affidavit filed in the O.A. However, the petitioner has not questioned this order. Furthermore, we notice from the facts of the case that the petitioner kept quiet for a period of 5 years after issue of appointment order, dated 21.04.2008, before approaching the Tribunal. In our opinion, the O.A. was liable to be dismissed on the ground of laches, as the petitioner has not shown any diligence in pursuing his rights, if any. Even otherwise on merits, the petitioner could not make out any case before the Tribunal entitling for the relief claimed by him. Hence, we do not find any reason to interfere with the order of the Tribunal.

6. The Writ Petition is, accordingly, dismissed.

C.V.NAGARJUNA REDDY, J

ANIS, J

03rd March, 2016
GHN