

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY
AND
THE HON'BLE SMT. JUSTICE KONGARA VIJAYA LAKSHMI

WRIT PETITION NO.7804 OF 2017

DATED:23-10-2017

Between:

M.S.S. Ramachandra Murthy ... Petitioner

And

Union of India
Represented by its Secretary
DOT, Government of India,
20 Ashoka Road, Sanchar Bhavan,
New Delhi
and others ... Respondents

COUNSEL FOR THE PETITIONER: Mr. M.S.S.R. Murthy,
Party-in-person

COUNSEL FOR RESPONDENT NO.1 : Mr. K. Lakshman
COUNSEL FOR RESPONDENT NOS.2 to 4 : Ms. J.K. Anitha,
for Mr. B. Devanand
COUNSEL FOR RESPONDENT NOS.6 to 19: -

THE COURT MADE THE FOLLOWING:

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

This writ petition is filed for certiorari to quash order dt.30.05.2016 in O.A. No.021/01249 of 2015 on the file of the Central Administrative Tribunal, Hyderabad Bench, Hyderabad.

2. We have heard Mr. M.S.S. Ramachandra Murthy, who appeared as party-in-person.

3. The petitioner, who was appointed as Group 'D' employee on 07.09.1973 in the Department of Telecommunications, was promoted as T.S. Clerk on 03.01.1978 and was subsequently selected and appointed as Stenographer Grade-III on 23.09.1981. The Department has notified the Circle Gradation List of Stenographers as in 1985 on 22.01.1986. Thereafter, a Combined Gradation List of Grade-III Stenographers of A.P. Telecom and Hyderabad Telecom District as on 1.11.1991 was prepared. Based on the said Gradation List, promotion to the petitioner was effected. The petitioner for the first time submitted a representation in the year 1997 disputing his placement in the Gradation List and claiming seniority over the private respondents. The petitioner, however, remained quiet and retired from service on 31.12.2011. Four years after his retirement, he approached the Tribunal by filing the aforesaid O.A. By the impugned order,

the Tribunal has dismissed the O.A. by observing that having kept silent for a number of years, the petitioner has leisurely approached the Tribunal much after his retirement and that therefore the O.A. was barred by limitation, as stipulated under Section 21 of the Administrative Tribunals Act, 1985 (for short, “the Act”).

4. The petitioner argued that as the nature of the dispute raised by him creates a continuous cause of action, the Tribunal has committed an error in dismissing the O.A on the ground of delay and laches.

5. Under Section 21 of the Act, the Tribunal shall not admit an application unless the same is filed within one year from the date on which a final order has been passed and, in the absence of an order being passed the application has to be filed after expiry of six months of making such representation and within one year from the date of expiry of the period of six months. From this provision, it is clear that where no final order was passed on a representation, the period of limitation is eighteen months from the date of making representation.

6. On the petitioner’s own showing, he submitted a representation in the year 1997. As no final order was passed on his representation, he should have filed the O.A. within one-

and-a-half years thereafter. However, the petitioner has waited for more than eighteen years and filed the O.A. In *Chennai Metropolitan Water Supply & Sewerage Board v. T.T. Murali Babu*¹, Supreme Court held:

“Thus, the doctrine of delay and laches should not be lightly brushed aside. A writ court is required to weigh the explanation offered and the acceptability of the same. The court should bear in mind that it is exercising an extraordinary and equitable jurisdiction. As a constitutional court it has a duty to protect the rights of the citizens but simultaneously it is to keep itself alive to the primary principle that when an aggrieved person, without adequate reason, approaches the court at his own leisure or pleasure, the court would be under legal obligation to scrutinise whether the lis at a belated stage should be entertained or not. Be it noted, delay comes in the way of equity. In certain circumstances delay and laches may not be fatal but in most circumstances inordinate delay would only invite disaster for the litigant who knocks at the doors of the court. Delay reflects inactivity and inaction on the part of a litigant — a litigant who has forgotten the basic norms, namely, “procrastination is the greatest thief of time” and second, law does not permit one to sleep and rise like a phoenix. Delay does bring in hazard and causes injury to the lis.”

In our opinion, the petitioner has failed to show any diligence whatsoever in pursuing his cause and therefore the Tribunal has rightly dismissed the O.A. as time barred.

7. The writ petition is therefore dismissed.

As a sequel to dismissal of the writ petition, W.P.M.P. No.9631 of 2017 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

KONGARA VIJAYA LAKSHMI, J

23-10-2017
bnr

¹ (2014) 4 SCC 108

