

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY  
AND  
HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

WRIT PETITION No.29432 of 2017

Date:31.8.2017

**Between:**

P.Diwakar,

S/o P.Gynana Prakash

..... Petitioner

**And:**

The State of A.P., repto by its  
Principal Secretary, Home Department,  
Velagapudi, Guntur District and another.

.....Respondents

Counsel for the petitioner: Mr. B.Chandrasekhar

Counsel for the respondents: GP for Services (AP)

The Court made the following:

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

The petitioner, who was working as Sub-Inspector of Police, Special Protection Force under Director General, Andhra Pradesh Special Protection Force, suffered order of compulsory retirement on 05.11.2015. He failed to file an appeal against the said order. However, he has pleaded that he filed Original Application No.2209 of 2017 before the Andhra Pradesh Administrative Tribunal, Hyderabad, (for short 'the Tribunal') with the plea that on 07.9.2016, he filed a mercy petition to the Principal Secretary, Home Department, State of Andhra Pradesh, but, the latter has not been considering and passing appropriate order on the said petition.

The Tribunal, by the impugned order, dismissed the said O.A. on the ground that mercy petition is not a remedy recognised by law and therefore, no direction can be issued to consider such petition.

After hearing, Mr. B.Chandrasekhar, the learned counsel for the petitioner, we have no reason to differ with the view taken by the Tribunal in the impugned order. The petition which is not envisaged by law is *nonest* and therefore, no Court or Tribunal can issue a direction to the State or its functionaries to consider such non-existent petition.

In this view of the matter, we do not find any reason to interfere with the impugned order of the Tribunal. Hence, the Writ Petition is dismissed.

As a sequel to dismissal of the Writ Petition, WPMP.No.36620 of 2017 is dismissed as infructuous.

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*JUSTICE C.V.NAGARJUNA REDDY*

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*JUSTICE GUDISEVA SHYAM PRASAD*

*31<sup>st</sup> August 2017*

*DR*

