

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
THE HON'BLE SRI JUSTICE GUDI SEVA SHYAM PRASAD

WRIT PETITION No.430 of 2004

03.08.2017

Between:

C.N.Rao

..Petitioner

and

The Government of Andhra Pradesh, represented by its Secretary,
Housing, Municipal Administration and Urban Development Department,
Secretariat, Hyderabad and others.

..Respondents

Counsel for the petitioner: Mr.M.Srinivasa Rao for Mr.M.Surender Rao

Counsel for the respondents: None appeared

The Court made the following:



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

Feeling aggrieved by dismissal of O.A.No.43949 of 1991 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad (for short 'the Tribunal'), the applicant therein filed this writ petition.

2. The facts which lie in a narrow sphere are that while working as the Chief Town Planner and Project Director, Visakhapatnam Urban Development Authority, the petitioner was subjected to disciplinary proceedings. By G.O.Ms.No.43, M.A., Housing, Municipal Administration & Urban Development (B1) Department, dated 19.01.1990, he was dismissed from service. The petitioner filed the aforementioned O.A. with the delay of nine months. When the O.A. came up before the Tribunal, it observed that the O.A. was time barred and that the petitioner has to file an application for condonation of the delay. Accordingly, an order was passed on 12.10.1991 recording the factum of delay and adjourning the case to enable the learned counsel for the petitioner to advise his client to file an application for condonation of delay. When the case was taken up on 22.10.1991, the Tribunal found that no application for condonation of delay was filed. Later, when the O.A. was listed for hearing on 16.09.2002, the counsel on record for the petitioner was not present. Recording the above mentioned facts, the Tribunal has dismissed the O.A. as hopelessly time barred without adjudicating the same on merits. Nearly 1½ years after dismissal of the O.A., the petitioner filed the present writ petition.

3. Mr.M.Srinivasa Rao, learned counsel representing Mr.M.Surender Rao, learned counsel for the petitioner, has submitted that the petitioner has a good case on merits and that he may be given an opportunity of filing an application for condonation of delay before the Tribunal and pursue the O.A. on merits.

4. We are afraid, we cannot accept the above submission. The repeated opportunities presented to the petitioner were not availed by him. In spite of the observation by the Tribunal that the O.A. was time barred, the petitioner failed to take steps for seeking condonation of delay. When the case was listed for hearing eleven years later, no one represented the petitioner before the Tribunal. As of now, fifteen years had elapsed from the time of dismissal of the O.A. The entire litigation, in our opinion, has become stale and it is not desirable to revive such stale claim at this length of time and the petitioner cannot be allowed to take advantage of his own lapses.

5. For the aforementioned reasons, the Writ Petition is dismissed.

C.V.NAGARJUNA REDDY, J

GUDI SEVA SHYAM PRASAD, J

03rd August, 2017
GHN

