

* IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

* HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND

* HON'BLE SRI JUSTICE M. GANGA RAO

+ WRI T PETITION NO.3582 of 2012

% Date: 23-11-2017

Between:

Mohd. Nasrullah S/o. Md. Rahmatulla,
Retd., Assistant Drilling Engineer (Drilling),
O/o. Directorate of Mines & Geology,
8th Floor, B.R.K. Bhavan,
Tank Bund, Hyderabad.

.... Petitioner

And

1. Government of Andhra Pradesh rep. by its Secretary, Industries & Commerce (Mines) Department, Secretariat, Hyderabad.
2. The Director of Mines & Geology, Andhra Pradesh, Hyderabad.
3. Hon'ble A.P.A.T., rep. by Registrar, Purani Haveli, Hyderabad.

... Respondents

! Counsel for the petitioner : Mr. Gulam Mustafa Rabbani

^ Counsel for Respondents : G.P. for Services-I (T.G.)

< GI ST:

> HEAD NOTE:

? Cases referred

HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN
AND
HON'BLE SRI JUSTICE M. GANGA RAO

WRIT PETITION No.3582 of 2012

ORDER: (Per VRS,J)

Aggrieved by the denial of promotion to the post of Assistant Director of Mines, the petitioner filed an original application before the A.P. Administrative Tribunal. The Tribunal dismissed the same on the ground that the petitioner did not possess a diploma in Mining Engineering, though he possessed a diploma in Mechanical Engineering. Therefore, challenging the order of the Tribunal, the petitioner has come up with the above writ petition.

2. Heard Mr. Gulam Mustafa Rabbani, learned counsel for the petitioner and learned Government Pleader for Services.

3. Irrespective of whether the petitioner is qualified or not and irrespective of whether the diploma in Mechanical Engineering can be considered as equivalent to diploma in Mining Engineering, one fact that stares on our face is the long delay on the part of the petitioner in approaching the Tribunal. Even according to the facts as stated by him, the petitioner was appointed in the year 1968 as Drilling Superintendent and he retired from service on 30.09.1999. A person by name A. Linga Reddy, who was working as Foreman Grade-I was appointed as Assistant Director, overlooking the claim of the petitioner, on 02.08.1999, just two months prior to the retirement of the petitioner.

4. The petitioner claims to have made a representation on 04.09.1999 and according to him the representation was rejected on 19.02.2009 after a period of 10 years. Therefore, the petitioner approached the tribunal only in the year 2009.

5. But under Section 21(2) of the Administrative Tribunals Act, 1985, if a representation is not disposed of within a period of six months, the original application should be filed within one year from the date of expiry of the period of six months. Therefore, the petitioner could not have taken advantage of the rejection order dated 19.02.2009 to resurrect from the grave a claim that was dead and gone 10 years earlier. Hence the dismissal of the original application, even for other reasons, was perfectly justified.

6. Therefore, the writ petition is dismissed. As a sequel, miscellaneous petitions pending in this writ petition, if any, shall stand closed. There shall be no order as to costs.

V. RAMASUBRAMANIAN, J.

M. GANGA RAO, J.

23rd November, 2017
Js.



HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN
AND
HON'BLE SRI JUSTICE M. GANGA RAO

WRIT PETITION No.3582 of 2012



23rd November, 2017

Js.