

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.6675 OF 2017

DATED : 01.03.2017

Between :

K.Venkateswarlu, S/o.K.Venkatappaiah,
Aged about 56 yrs,
Presently working as AR HC 1392,
DAR Police Head Quarters,
Khammam, Khammam District.

..
Petitioner

And

The Government of Telangana,
Rep., by Principal Secretary,
Home Department, Secretariat Buildings,
Hyderabad & others.

..
Respondents



This court made the following :

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ORDER :

Heard. With the consent of both the counsel, this writ petition is disposed of at the admission stage.

2. When petitioner was working as police constable disciplinary proceedings were initiated alleging gross neglect in duty and collection of illegal gratification by deceitful means. The disciplinary proceedings ended in imposing punishment of reduction in time scale of pay by one stage for a period of two years with effect on future increments. As petitioner was under suspension, the period of suspension was also treated as not on duty. Appeal preferred by the petitioner was rejected by order dated 24.09.2004. Thereafter petitioner preferred revision. While upholding the disciplinary action, by taking sympathetic view, the revisional authority modified the punishment to postponement of increment for one year with effect on future increments. But confirmed the period of suspension as not on duty. All along petitioner kept quiet, but by referring to the Revision/Mercy petition filed in the year 2009, alleging inaction and challenging the punishment imposed as modified by the revisional authority, the present writ petition is filed.

3. On a bare perusal of the facts on record, it is clear that the order of punishment of the year 2002 was modified by taking a sympathetic view in the year 2005. Later petitioner was promoted as Head constable. There is no provision in the Rules which contemplate a second revision or a mercy petition. Merely because

petition was filed in the year 2009, would not save his case from laches. When the revisional authority passed order, the jurisdiction was vested in the Andhra Pradesh Administrative Tribunal (for short 'the Tribunal') constituted under the Administrative Tribunals Act, 1985 (for short 'the Act'). As per the provisions of the Act, an aggrieved employee has to invoke the jurisdiction of the Tribunal within one year from the date of arising of cause of action. Thus, in terms of the said provision, petitioner was to invoke the jurisdiction of the Tribunal within one year from 17.08.2005. Petitioner kept quiet, earned promotion and filed this writ petition after eleven years. Even a bare perusal of the allegations made, petitioner ought to have been happy with the modified punishment granted by the revisional authority.

4. Having regard to these facts, I am not inclined to entertain the writ petition and the writ petition is liable to be dismissed.

5. Accordingly, the Writ Petition is dismissed in limini. There shall be no order as to costs.

Miscellaneous petitions, pending if any, in this writ petition shall stand closed.

1st March, 2017
Rds

P.NAVEEN RAO,J