

HON'BLE SRI JUSTICE SURESH KUMAR KAIT

AND

HON'BLE Dr. JUSTICE SHAMEEM AKTHER

WRIT PETITION No.3890 OF 2017

ORDER: (Oral) (*Per Hon'ble Sri Justice Suresh Kumar Kait*)

Vide the present petition, the petitioner has challenged the order dated 02.11.2015 passed in M.A. No.1698 of 2015 in O.A.SR. No.7999 of 2015 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad (for short, 'the Tribunal').

2. Vide the aforesaid M.A. No.1698 of 2015, the writ petitioner prayed to condone the delay of 5 years 6 months and 14 days in filing the Original Application before the Tribunal. We note the learned Tribunal dismissed the said application by recording that no reasons to condone the inordinate delay of 5 years and odd in filing the O.A.

3. Learned counsel appearing on behalf of the writ petitioner submits that the notification for the post of Sub Inspector of Police (Executive) was published on 30.12.2008. The written examination was held on 13.08.2011 and the result was declared on 23.10.2011. The name of the petitioner was not found in the category of the Sub Inspector of Police (Executive) in Zone-IV. Some similarly placed persons filed O.A. No.8346 of 2011 and batch and the same were allowed on 10.10.2012. The order passed by the Tribunal in the aforesaid O.A. with batch was challenged by the respondents in W.P. No.21604 of 2016 and the same was dismissed vide order dated 08.07.2016. Learned counsel further submits that during pendency of the O.A. and batch mentioned above, the petitioner filed the present O.A. on 15.07.2015, however, the said O.A. was dismissed on the ground of delay.

4. We note, the learned Tribunal noted that for appointment of Sub Inspector of Police (Executive), the notification was issued dated 30.12.2008,

whereas the petitioner filed O.A. on 15.07.2015. Thus, the Tribunal calculated that there was an inordinate delay of 5 years and odd in filing O.A. It seems, the learned Tribunal has reckoned the delay from the date of notification, i.e., 30.12.2008, which was not challenged by the petitioner in the O.A., however, challenged the quota not being implemented, as provided in the notification dated 30.12.2008, and, accordingly, filed O.A. on 15.07.2015 after the results were published on 23.10.2011. Thus, we are of the considered opinion, the learned Tribunal has wrongly calculated the delay of 5 years and odd in filing the O.A.

5. Moreover, in the application for condoning the delay of 2 years and 8 months, the calculation of the petitioner is from the date of 23.10.2011, which is correct one, however, the Registry of the Tribunal has wrongly calculated the delay in filing the O.A. Accordingly, the learned Tribunal dismissed the M.A. No.1698 of 2015.

6. In view of the above, we hereby set aside the order dated 02.11.2015 passed by the Tribunal in M.A. No.1698 of 2015 in O.A.SR. No.7999 of 2015 and remand the matter to the Tribunal to consider the delay of 2 years and 8 months and pass fresh orders after hearing both the parties.

7. Accordingly, the writ petition is disposed of. There shall be no order as to costs.

8. As a sequel, miscellaneous petitions pending, if any, shall also stand dismissed.

SURESH KUMAR KAIT, J

Dr. SHAMEEM AKTHER, J

Date:15-06-2017

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