

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

AND

THE HON'BLE SMT. JUSTICE K.VIJAYA LAKSHMI

WRIT PETITION No. 34623 OF 2017

DATED 20TH OCTOBER, 2017

Between:

K.Satyanarayana

... Petitioner

AND

The State of Telangana,
Rep. by its Principal Secretary,
Home Department,
Secretariat, Hyderabad, and others

... Respondents

Counsel for the petitioner

:

Sri M.Damodar Reddy

Counsel for the respondents

:

G.P. for Services (A.P.)

THE COURT MADE THE FOLLOWING

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

The petitioner, who woke up rather late on his purported right of promotion, filed this Writ Petition being unsuccessful in O.A.No. 1568 of 2016 on the file of the Andhra Pradesh Administrative Tribunal at Hyderabad (for short, 'the Tribunal').

2. The petitioner entered his service as Punch Operator (Data Entry Operator) and he retired while working in the same position on 30-06-2012. He along with five others filed O.A.No. 1490 of 2003 before the Tribunal claiming the relief of consideration for promotion as Programmers. By order dated 24-11-2005, the Tribunal allowed the application to the extent of applicant Nos. 1 to 3 therein. It also directed to consider the case of applicant Nos. 4 to 6 therein including the petitioner if they were similarly situated with that of applicant Nos. 1 to 3 therein. In compliance with the order of the Tribunal, applicant Nos. 1 to 3 were promoted in the year 2006. Evidently, on the representation of applicant No. 4, he was also promoted in the same year. Till the year 2011, the petitioner and another applicant by name B.V.Amarnath kept quiet. On 28-01-2011, they made a representation for promotion along with another person by name A.Appa Rao. The petitioner however

retired on 30-06-2012 without being promoted. Even at that stage, the petitioner did not protest. On 22-05-2014, the said B.V.Amarnath was promoted. The petitioner then woke up and made a representation on 15-10-2015 seeking his promotion. This representation was rejected by Memo dated 04-03-2016 of the Principal Secretary, Home (Ser.III) Department, Government of Andhra Pradesh, wherein it was observed that during his service, no junior to him was promoted. The petitioner therefore filed O.A.No. 1568 of 2016 which was dismissed by the impugned order.

3. In our opinion, the petitioner allowed his claim to become stale, in that he did not agitate for his right at a right time. If any right is accrued to the petitioner for promotion by order dated 24-11-2005 in O.A.No. 1490 of 2003, he ought to have availed appropriate legal remedy when he was denied promotion though four others were promoted. As noted hereinbefore, till 2011, the petitioner has not raised any whisper before he along with B.V.Amarnath and another person made a representation for their promotion. Almost two years after his retirement, the said B.V.Amarnath was promoted. In these facts and circumstances of the case, the petitioner, by his sheer negligence and lethargy, failed to

agitate over his claim at appropriate time. We are therefore of the opinion that considering his case for notional promotion much after his retirement does not arise. Hence, we do not find any merit in this Writ Petition and the same is accordingly dismissed.

4. As a sequel to dismissal of the Writ Petition, W.P.M.P.Nos. 43048 and 43164 of 2017 shall stand dismissed as infructuous.



C.V.NAGARJUNA REDDY, J.

K.VIJAYA LAKSHMI, J.

Date: 20-10-2017.

JSK