

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE M.GANGA RAO

WRIT PETITION NO.6892 OF 2018

ORDER: (per SK,J)

The petitioner is the unsuccessful applicant in O.A.No.3401 of 2017 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad. By order dated 28.12.2017, the Tribunal dismissed the said O.A. The prayer of the petitioner-applicant therein was to set aside the Memo dated 30.11.2017 issued by the State of Andhra Pradesh and to direct the authorities to fix his pension since 27.11.1965, being the date of his regularisation in service.

The petitioner-applicant retired from service as a Town Planning Assistant in the office of the Regional Deputy Director of Town and Country Planning, Rajahmundry, on 31.07.1996 upon attaining the age of superannuation. It is not in dispute that his services were regularised with effect from 27.11.1965. It appears that the impugned Memo dated 30.11.2017 was issued by the Principal Secretary to Government, Municipal Administration & Urban Development Department, Government of Andhra Pradesh, in response to the representations dated 06.01.2017, 23.05.2017 and 23.06.2017 made by the petitioner-applicant. By the said Memo, the Government denied the request of the petitioner-applicant for revision of his seniority.

Sri Gade Venkateswara Rao, learned counsel for the petitioner-applicant, would contend that the issue raised by the petitioner-applicant in his representations was not with regard to his seniority but with regard to computation of his pension and retiral benefits duly taking into account the date 27.11.1965, being the date on which his services were

regularised. Learned counsel would however admit that no concrete measures were taken by the petitioner-applicant in relation to this issue though he retired as long back as on 31.07.1996. He would however state that the petitioner-applicant went on making representations in this regard.

In the light of the law laid down by the Supreme Court in UNION OF INDIA v. CHAMAN RANA¹, it is not open to an employee to claim that he has been making representations time and again and allow a long period of time to elapse, whereby his claim would be rendered stale. In the counter-affidavit filed in this writ petition, the authorities stated that in the light of the antiquity of this case, records are not even available with them.

Under these circumstances, we find no grounds to interfere with the order passed by the Tribunal non-suiting the petitioner-applicant.

The writ petition is devoid of merit and is accordingly dismissed. Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

SANJAY KUMAR,J

M.GANGA RAO,J

Date:05.10.2018

GJ

¹ (2018) 5 SCC 798