

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

WRIT PETITION NO.10946 OF 2018

ORDER: (per SK,J)

The petitioner is the applicant in O.A.No.3906 of 2012 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad. By order dated 27.01.2016, the Tribunal dismissed the O.A. The prayer of the petitioner in the said O.A. was in connection with the order of punishment imposed upon him under proceedings dated 16.04.1998 passed by the Superintendent of Police, Nalgonda District, which was confirmed in appeal by the Deputy Inspector General of Police, Hyderabad Range, Hyderabad, by order dated 16.02.2003. This punishment was further confirmed by the Director General and Inspector General of Police, Saifabad, Hyderabad, under proceedings dated 20.08.2004.

It appears that the petitioner then made a representation to the Government of Andhra Pradesh which was rejected under Memo dated 06.08.2011. The petitioner belongs to a uniformed service and was working as an Assistant Sub-Inspector of Police at Wathankal Police Station, Nalgonda District, at the time of filing of the O.A. He suffered the major penalty of postponement of increments for two years with effect on future increments and pension in relation to charges which were held partly proved. These charges pertain to the alleged refusal of the petitioner to follow the instructions of his superior officer and wilfully absenting himself from duty. The Tribunal found, upon consideration of the material on record, that the disciplinary proceedings had been held in accordance with the due procedure, and considering the gravity of the charges to the extent held proved, it opined that the punishment could

not be termed to be shockingly disproportionate. The O.A. was accordingly dismissed.

Significantly, the dismissal of the O.A. was on 27.01.2016 but the petitioner chose to file this writ petition only on 02.04.2018. No explanation is forthcoming from the affidavit filed in support of the writ petition as to why the petitioner did not take steps in relation to the aforestated order, if he was aggrieved thereby.

No doubt, there is no limitation prescribed for invoking the extraordinary jurisdiction of this Court under Article 226 of the Constitution but, each case would have to be considered on its own individual facts. In the case on hand, apart from the fact that this Court finds no irregularity or illegality having been committed by the Tribunal in dealing with the petitioner's O.A., the fact remains that the petitioner, a member of a uniformed service, resorted to insubordination.

In that view of the matter, the punishment imposed upon the petitioner cannot be said to be onerous or disproportionate. Thus, even on merits, this Court finds no grounds to interfere. The delay on the part of the petitioner in coming before this Court must also weigh against him.

The writ petition is therefore 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:03.04.2018

GJ

