

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

WRIT PETITION No. 12195 OF 2018

JUDGMENT: *(Per Hon'ble Sri Justice M.Ganga Rao)*

This Writ Petition is filed mainly questioning the order of the Andhra Pradesh Administrative Tribunal (for short 'the Tribunal') passed in M.A.No.1047 of 2017 in OASR No.5609 of 2017, dated 15.02.2018, wherein the M.A. is dismissed rejecting to condone the delay of 4 years 11 months 14 days in filing OASR No.5609 of 2017, questioning the impugned G.O.Ms.No.161, Irrigation & Command Area Development (Ser.V.2) Department, dated 26.11.2011 and consequential proceedings of the third respondent in SE/SSLC&SBC/NLR/AB/Supdt/EC.3/E.35/48, dated 10.01.2012.

2. We have heard Sri V.S.R.Murthy, the learned counsel for the petitioner/applicant and the Learned Government Pleader for Services-I (AP).

3. Sri V.S.R.Murthy would contend that M.A.No.1047 of 2017 was filed to condone the delay of 4 years 11 months 14 days on the ground that the petitioner/applicant could not approach the Tribunal immediately as the petitioner was put on probation with effect from 18.01.2012 and after declaration of his probation on 29.12.2013, he submitted a representation in the month of December, 2015 for

retrospective regularization and since no orders are passed, he constrained to approach the Tribunal by filing O.A. questioning the orders of regularization. Hence, the delay occurred and that the Tribunal grossly erred in dismissing the delay condonation petition.

4. Per Contra, the learned Government Pleader would contend that the third respondent filed counter in the delay condonation petition and that the petitioner failed to show sufficient cause to condone the delay, and the Tribunal rightly dismissed the delay condonation petition.

5. In our considered view, the petitioner has to file the O.A. within one year from the date of proceedings of the third respondent dated 10.01.2012 impugned in the O.A. and if any delay he could have filed delay condonation petition with sufficient reasons. But the petitioner failed to show sufficient cause for the delay in approaching the Tribunal and the Tribunal rightly dismissed the delay condonation petition. Hence, we find no reasons to interfere with the order dated 15.02.2018, impugned in this writ petition.

6. Accordingly, the Writ Petition is dismissed. No order as to costs.

(contd...)

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

M.GANGA RAO, J

Date: 19.04.2018
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**HON'BLE SRI JUSTICE SANJAY KUMAR
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April 19, 2018

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