

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.25278 OF 2018

DATED :25.07.2018

Between :

A.Sanjeeva Reddy S/o.Raja Reddy,
Aged about 34 yrs, Occu : Ex-Home Guard (618),
(Under orders of Removal),
R/o.1-94, Krishnajiwadi, Tadwai Mandal,
Kamareddy District.

.. Petitioner

And

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

... Respondents



This court made the following :

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.25278 of 2018

ORDER :

Heard learned counsel for the petitioner and learned Assistant Government Pleader for services-1 (TG).

2. Petitioner was appointed as Home Guard vide proceedings dated 17.10.2005. By order dated 08.12.2006, his services along with five others were terminated on the allegation of long unauthorized absence from duties. Petitioner was absent from 01.05.2006 till 8.12.2006. In this writ petition, petitioner challenges the said termination order. According to petitioner he made a representation on 02.12.2017 followed by another representation dated 15.12.2017 and filed this writ petition.

3. A reading of the two representations would show that petitioner was suffering from illness and therefore, he was forced to go on leave and when he tried to resume duties, he was informed that there was no vacancy. In the affidavit filed in support of the writ petition also there is no mention about the kind of ailment with which petitioner was suffering. There is no mention in the affidavit as to whether petitioner has informed about his sickness and that the competent authority was aware of his sickness. A reading of the affidavit would show that petitioner is drawing inspiration from judgment rendered by the Division Bench in W.P.No.35460 of 2013 & batch dated 08.06.2018, wherein the Division Bench has affirmed the decision of Andhra Pradesh Administrative Tribunal (for short 'the Tribunal').

4. A reading of the facts of the said judgment would show that immediately after removal from service, petitioners therein instituted O.As., before the Tribunal and the same were allowed. Aggrieved by which the State has preferred the writ petitions.

5. In the instant case as noticed above, petitioner was removed on 08.12.2006 and this writ petition is filed almost after 12 years from the date of such removal. Even if the representation submitted by the petitioner on 02.12.2017 is taken into consideration, the said representation was made almost after eleven years. This representation is also silent on the ailments suffered by the petitioner disentitling him to work and that he informed the employer about his sickness and seeking relief of reinstatement. Admittedly, petitioner was absent for more than seven months and till the order of removal was passed.

6. Having regard to these facts, petitioner is not entitled to the prayer sought in the writ petition and the Writ Petition is liable to be dismissed in limini on the ground of inordinate delay and laches and in the absence of cogent reasons in support of the claim against the decision of disciplinary authority holding him unauthorisedly absent for long time.

7. Having regard to the above observations, the Writ Petition is dismissed. Pending miscellaneous petitions, if any, shall stand closed.

25th July, 2018
Rds

P.NAVEEN RAO,J