

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

I.A.NO.1 OF 2018 IN WRIT APPEAL NO.1204 OF 2018
AND
WRIT APPEAL NO.1204 OF 2018

COMMON JUDGMENT: (per SK,J)

This appeal was preferred by the State of Telangana and its authorities in the Police Department against the order dated 06.04.2017 passed by a learned Judge of this Court disposing of W.P.No.8951 of 2017. However, as the appeal was preferred with a delay of 487 days, I.A.No.1 of 2018 was filed seeking condonation of the said delay.

It may be noted that by the order under appeal, the learned Judge merely directed the authorities to examine the claim of the petitioner, the respondent herein, for relaxation of the rules governing the service or in the alternative to provide employment under the provisions of the Persons with Disabilities (Equal Opportunities Protection of Rights and Full Participation) Act, 1995. The learned Judge required a decision in this regard to be taken within a time frame.

We are now informed by Sri V.Ravi Chandran, learned counsel for the respondent-petitioner, that pursuant to the aforestated direction of the learned Judge, the Government of Telangana, having duly considered the claim of the respondent-petitioner, issued G.O.Rt.No.1617, Home (Services-II) Department, dated 21.12.2017 accepting the proposal of the Director General of Police, Telangana State, and accorded permission for declaring the probation of the respondent-petitioner in relaxation of the rules governing completion of training in Greyhounds, as a special case. Consequential proceedings dated 21.12.2017 were thereupon issued by the Deputy Inspector General of Police, Hyderabad

Range, Hyderabad. Further, pay fixation was also effected in consequence of the aforestated G.O. *vide* order dated 13.03.2018 of the Superintendent of Police, Vikarabad District, State of Telangana. Significantly, neither the G.O. nor any of the proceedings mention that the said orders have been passed without prejudice to the right of the State and its police authorities to prosecute this appeal. When the direction of the learned Judge was not a positive one and merely required consideration and in terms thereof, the State and its authorities have duly considered the case of the respondent-petitioner and passed appropriate orders, we see no reason as to why we should entertain this appeal. As already pointed out, the aforestated consideration was not even without prejudice to these pending proceedings.

In the light of the aforestated facts, we see no grounds to condone the delay and entertain this appeal.

I.A.No.1 of 2018 in W.A.No.1204 of 2018 is accordingly dismissed. In consequence, W.A.No.1204 of 2018 is also dismissed.

Other pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

SANJAY KUMAR,J

M.GANGA RAO,J

Date:28.09.2018

GJ