

HON' BLE SRI JUSTICE SURESH KUMAR KAIT
&
HON' BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P. No. 5664 of 2016

ORDER:- (ORAL)

(Per Hon' ble Sri Justice Suresh Kumar Kait)

This writ petition is filed challenging the order dated 20.06.2012 in O.A.No. 4933 of 2011 passed by the A.P. Administrative Tribunal, Hyderabad whereby the application filed by the petitioner under Section 19 of the Administrative Tribunals Act, 1985, has been dismissed.

The brief case of the petitioner before the Tribunal is that he was eligible for the post of Secondary Grade Teacher and pursuant to DSC Notification, 1985 he had applied for the post of Secondary Grade Teacher/ Special Teacher. He participated in the selection process and expected to be called for interview but his name did not figure in the selection list.

It is not in dispute that the petitioner approached the Tribunal after lapse of 25 years seeking a direction to the respondents for appointment in DSC, 1985 which is a belated claim.

In case of Union of India and Others v. M.K.Sarkar¹, the Apex Court held as under:

“When a belated representation in regard to a “stale” or “dead” issue/ dispute is considered and decided, in compliance with a

¹ 2010(2) SC Cases 59

direction by the Court/Tribunal to do so, the date of such decision cannot be considered as furnishing a fresh cause of action for reviving the “dead” issue or time-barred dispute. The issue of limitation or delay and laches should be considered with reference to the original cause of action and not with reference to the date on which an order is passed in compliance with a court’s decision. Neither a Court’s direction to consider a representation issued without examining the merits, nor a decision given in compliance with such direction, will extend the limitation, or erase the delay and laches.”

Moreover, as per Section 20(2)(b) of the Administrative Tribunals Act, time available to the petitioner for making an appeal to the respondents was up to 28.04.1990 for mentioning his grievance as the last representation made by him was on 29.10.1989.

In view of the facts recorded above, we find no illegality or perversity in the impugned order passed by the Tribunal rejecting the appeal/representation made by the appellant on the ground of delay.

Hence, the writ petition is devoid of merit and the same is accordingly dismissed. No order as to costs.

As a sequel, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

13.06.2018

SURESH KUMAR KAIT, J

bcj

ABHINAND KUMAR SHAVILI, J