

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

WRIT PETITION No.45710 of 2018

ORDER: *(per Hon'ble Sri Justice Sanjay Kumar)*

The petitioner is the applicant in O.A.S.R.No.4523 of 2018 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad. As the said O.A. was filed with delay, M.A.No.916 of 2018 was filed therein seeking condonation of the said delay. By order dated 22.11.2018, the Tribunal noted that the delay in the filing of the O.A. was not insubstantial as it stretched to 8 years 11 months and 21 days.

It appears that the petitioner/applicant was removed from the rolls of the Andhra Pradesh Home Guard Organisation, *vide* order dated 17.11.2009 passed by the Superintendent of Police, Chittoor, on the ground of his involvement in a criminal case. He was however acquitted in the said criminal case on 19.12.2009 by the Lok Adalat. The Tribunal noted the fact that the written representation made by the petitioner/applicant seeking reinstatement on the strength of the said acquittal was only in July, 2018 and except for claiming that he was making oral representations all through, the petitioner/applicant did not file a scrap of paper to show that he had taken any steps during the 9 years after his acquittal to secure reinstatement. As sufficient cause was not shown for this inordinate delay, the Tribunal dismissed the M.A. Consequently, the O.A. was also rejected.

Smt. N.Vanisree, learned counsel representing Sri Suresh Kumar Reddy Kalava, learned counsel for the petitioner, would place reliance on the order dated 19.3.2018 passed by this Court in Writ Petition No.19512 of 2017 in the context of the delay on the part of the petitioner/applicant in seeking relief. However, perusal of the said order reflects that the petitioner therein was acquitted in the criminal case on 15.12.2014 but he claimed to have made a representation for reinstatement on 28.9.2016 and immediately thereafter filed O.A.No.649 of 2017 before the Tribunal seeking relief. In the said case, the delay was lesser than two years unlike the case on hand where the delay is nearly 9 years.

In that view of the matter, the aforestated order would not come to the aid of the petitioner/applicant. We therefore find no grounds whatsoever to interfere with the order passed by the Tribunal as the delay on the part of the petitioner/applicant was not explained and being substantial, it was fatal.

The Writ Petition is accordingly dismissed.

Pending Miscellaneous Petitions, if any, shall also stand dismissed. No order as to costs.

JUSTICE SANJAY KUMAR

JUSTICE M. GANGA RAO

17th December, 2018
DR