

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)**

FRIDAY, THE TWENTY NINTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HON'BLE SRI JUSTICE PULLA KARTHIK

WRIT PETITION NO: 8435 OF 2021

Between:

D. Vasanth Rao, S/o D. Narsimulu, Aged about 43 years, Occ. Naib Tahsildar (Enft.) Presently working in the office of the District Civil Supplies, Nizamabad District.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Chief Secretary, B.R.K.R. Bhavan, Tank Bund, Telangana Secretariat, Hyderabad,
2. The State of Telangana, Rep. by its Principal Secretary, Revenue Department at B.R.K.R. Bhavan, Tank Bund, Telangana Secretariat, Hyderabad.
3. The Chief Commissioner of Land Administration, Hyderabad.
4. The District Collector, Nizamabad at Niazabad.
5. The District Collector, Kamareddy District At Kamareddy, Telangana State.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus declare the issuance of the order dated 22/03/2021 CCLAs Ref.No.VSIII(1)/13/2021 issued by the 1st respondent rejecting the appeal on the ground that there is a delay of 874 days and also limitation petition nor filed is arbitrary, illegal and in violation of law and consequently direct the respondents including the petitioner for the post of Naib Tahsildar for the 2017-18 without reference to the disciplinary case

IA NO: 1 OF 2021

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay

all further proceedings in the order dated 22/03/2021 CCLAs
Ref.No.VSIII(1)/13/2021 issued by the 1st respondent rejecting the appeal on the
ground that there is a delay of 874 days, pending disposal of the main writ petition

Counsel for the Petitioner: SRI D. V. SHRIKANT

Counsel for Respondent No. 1: GP FOR SERVICES III

Counsel for Respondent Nos. 2 to 5: GP FOR SERVICES II

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE PULLA KARTHIK

WRIT PETITION No.8435 of 2021

ORDER:

This Writ Petition is filed seeking the following relief:

"...to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus declare the issuance of the order, dated 22/03/2021 CCLAs' Ref No.VSIII(1)/13/2021 issued by the 1st respondent rejecting the appeal on the ground that there is a delay of 874 days and also limitation petition nor filed is arbitrary, illegal and in violation of law and consequently direct the respondents including the petitioner for the post of Naib Tahsildar for the 2017-18 without reference to the disciplinary case and to pass..."

2. Heard Sri D.V.Srikanth, learned counsel appearing on behalf of the petitioner, learned Government Pleader for Services – III appearing on behalf of respondent No.1 and learned Government Pleader for Services – II appearing on behalf of respondents No.2 to 5. Perused the record.

3. Learned counsel for the petitioners submits that the petitioner was imposed with the punishment of stoppage of one annual grade increment without cumulative effect on 28.09.2018 by the Disciplinary Authority – the Collector, Kamareddy, *vide* proceeding No.A3/686/2015-2, dated

28.09.2018 on the ground that during the period of consideration in the panel year 2017-18 (the period of currency of panel begins from 1st September of the said year to 31st August of the subsequent year) for the post of Naib Tahsildar, the petitioner was not under the currency of punishment and when the panel for the post of Naib Tahsildar is being considered, the punishment of stoppage of one annual grade increment without cumulative effect does not exist for the punishment for the Incremental period falling in the month of November, 2018. Further, challenging the punishment order, dated 28.09.2018, the petitioner has filed an appeal before the Appellate Authority with a prayer to condone the delay of 874 days and to set aside the punishment order, dated 28.09.2018. Further, this Court has directed the Appellate Authority to consider the appeal preferred by the petitioner along with delay application *vide* order, dated 03.02.2021. In compliance of the order, dated 03.02.2021, the Appellate Authority has passed an order and rejected the appeal on the ground of delay. Aggrieved by the same, the petitioner filed the present Writ Petition.

4. Learned Government Pleader for Services – III submitted that as per the directions of this Court, dated 03.02.2021, respondent No.1 has considered the appeal and rejected the same on the ground that there are no valid reasons for delay of 874 days in filing the appeal and that the punishment of stoppage of one annual grade increment without cumulative effect was also ended on 29.09.2019. Therefore, there are no grounds to consider any of the reliefs prayed for by the petitioner. Hence, prayed this Court to dismiss the Writ Petition.

5. In view of the submissions made by the respective parties, this Court is of the considered opinion that the petitioner has miserably failed to explain proper reason for delay of 874 days in filing the appeal. Therefore, this Court finds no merits in the present Writ Petition. Hence, the Writ Petition is liable to be dismissed.

6. Accordingly, this Writ Petition is dismissed. There is no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

//TRUE COPY//

SD/- V.HARI PRASAD
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. One CC to Sri D V Shrikant Advocate [OPUC]
2. Two CCs to GP For Services - II, High Court for the State of Telangana.
[OUT]
3. Two CCs to GP For Services - III, High Court for the State of Telangana.
[OUT]
4. Two CD Copies

MBC
GJ

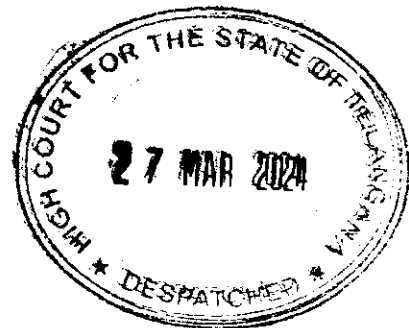


HIGH COURT

DATED: 29/12/2023

ORDER

WP.No.8435 of 2021



DISMISSING THE WRIT PETITION

WITHOUT COSTS

⑧ Copies
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26/02