

**THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI
AND
THE HON'BLE SRI JUSTICE PULLA KARTHIK**

WRIT PETITION No.23723 OF 2009

ORDER: (per AKS,J)

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner aggrieved by the order, dated 29.12.2008, passed in O.A.No.6781 of 2002 by the Administrative Tribunal, Hyderabad (for short, 'the Tribunal').

2. Heard Sri D. Linga Rao, learned counsel for the petitioner and the learned Special Government Pleader representing the learned Government Pleader for Home appearing for the respondents.

3. Learned counsel for the petitioner had contended that the petitioner was appointed as a police constable. The claim of the petitioner was that the training period should also be counted for the purpose of increments and other service benefits. When the case of the petitioner was not considered, in those circumstances, he approached the Tribunal by filing the subject O.A. The Tribunal, *vide* the impugned order, dated 29.12.2008, was pleased to dismiss the subject O.A.,

without appreciating any of the contentions raised by the petitioner. Therefore, appropriate orders be passed in the Writ Petition by setting aside the impugned order passed by the Tribunal and further, direct the respondents to count the training period of the petitioner for the purpose of increments and other service benefits.

4. On the other hand, the learned Special Government Pleader appearing for the respondents had contended that when the petitioner was appointed as a Police Constable, the Rules governing the field contemplated that the training period should not be counted towards service. Subsequently, the Rules were amended. But, the amended Rules cannot be made applicable to the persons who were appointed prior to the amendment of the Rules. Therefore, the Tribunal was justified in dismissing the subject O.A. There are no merits in the Writ Petition and the same is liable to be dismissed.

5. This Court, having considered the rival submissions made by the learned counsel for the parties, is of the view that when the petitioner was appointed as a Police Constable, the Rules which were governing the field contemplated that

the training period shall not be considered for the purpose of increments. Therefore, the Tribunal was justified in dismissing the subject O.A. In view of the same, this Court is not inclined to interfere with the impugned order passed by the Tribunal.

6. The Writ Petition is, accordingly, dismissed. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

ABHINAND KUMAR SHAVILI, J

PULLA KARTHIK, J

Date: 19-01-2023.
MD