

*** THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI**
***THE HONOURABLE SRI JUSTICE CHALLA GUNARANJAN**

+ WRIT PETITION NO: 1349/2025

% 21.01.2025

Jampapuram Hanumanthu.

.....Petitioner

And:

\$1. Union of India & 4 others

....Respondents.

!Counsel for the petitioners

: Ms.Krishna Deepthi representing
Sri Jada Sravan Kumar

^Counsel for the respondent

: Sri Pasala Ponna Rao

<Gist:

>Head Note:

? Cases referred:

1. 2022 SCC OnLine SC 1785
2. (2022) 15 SCC 536

HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

* * * *

WRIT PETITION NO: 1349/2025

DATE OF JUDGMENT PRONOUNCED: **21.01.2025**

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE RAVI NATH TILHARI

&

THE HONOURABLE SRI JUSTICE CHALLA GUNARANJAN

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| 1. Whether Reporters of Local newspapers may be allowed to see the Judgments? | Yes/No |
| 2. Whether the copies of judgment may be marked to Law Reporters/Journals | Yes/No |
| 3. Whether Your Lordships wish to see the fair copy of the Judgment? | Yes/No |

RAVI NATH TILHARI,J

CHALLA GUNARANJAN,J

THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI
THE HONOURABLE SRI JUSTICE CHALLA GUNARANJAN

WRIT PETITION NO: 1349/2025

ORDER: *(per Ravi Nath Tilhari, J)*

Heard Ms. Krishna Deepthi, learned counsel representing Sri Jada Sravan Kumar, learned for the petitioner and Sri Pasala Ponna Rao, learned counsel for the respondents.

2. The petitioner's father died on 06.09.2007 while in service. The petitioner applied for his appointment on compassionate ground on 29.09.2008, which was rejected by respondent NO.4 – the Divisional Railway Manager, South Central Railway by an order dated 18.11.2008. In spite thereof, the petitioner kept on making representation after representations. His case was again rejected on 16.10.2020. Challenging the orders dated 18.11.2008 and 16.10.2020, the petitioner filed OA/020/685/2020, which has been dismissed by Central Administrative Tribunal, Hyderabad on 25.03.2022. The Tribunal observed that the OA lacked merits and was liable to be rejected. The Tribunal also observed that the OA was filed beyond the period of limitation and there was no reasonable cause for such delay. The cause of action had accrued on 18.11.2008.

3. The present writ petition has been filed challenging the order dated 25.03.2022.

4. The facts are not in dispute that the petitioner's application for compassionate appointment was firstly rejected on 18.11.2008. He filed repeated representations. It was lastly rejected on 16.10.2020. He approached the Tribunal in the year 2020.

5. The petitioner in fact approached the Tribunal after almost 12 years.

6. It is settled in law that the repeated representations would not confer neither the jurisdiction nor would extend the period of limitation. By submitting repeated representation a stale claim cannot be remained.

7. Recently, in **State of Uttar Pradesh and others vs. Rajmati Singh**¹, the Hon'ble Apex Court has reiterated that the representations neither give rise nor revive the cause of action, if it had already arisen. Paragraphs 12 and 19 of **Rajmati Singh** (supra) reads as under:

"12. In our considered view, the respondent like any vigilant citizen, especially given that she does not belong to economically or socially backward segments of the society, was expected to assert her rights before an appropriate forum within a reasonable time. Repeated representations neither give rise nor revive the cause of action, if it had already arisen in the past. Respondent's difficulties do not end there, given that her services were brought to an end when she was denied to resume her duties in the year 1974. She was, thus, required to seek a declaration of her continuity or have a writ of mandamus issued for her reinstatement. She did not do either. The Information Commission is not a forum to adjudicate service disputes. It was not a forum which either could declare the rights of the respondent or grant any service benefits. The respondent's move before the State Information Commission was thus an exercise in futility. It leaves no room for doubt that the respondent slept over her rights and allowed the grass to grow under her feet for a long duration of over 33 years."

x x

"19. Close to the facts of this case, in "C.Jacob v. Director of Geology and Mining and others" (2008) 10 SCC 115, this Court, having found that

¹ 2022 SCC OnLine SC 1785

the employee suddenly brought up a challenge to the order of termination of his services after 20 years and claimed all consequential benefits, held that the relief sought for was inadmissible. The legal position in this regard was laid out in the following terms:

“10. Every representation of the Government for relief, may not be applied on merits. Representations relating to matters which have become stale or barred by limitation, can be rejected on that ground alone, without examining the merits of the claim. In regard to representations unrelated to the Department, the reply may be only to inform that the matter did not concern the Department or to inform the appropriate Department. Representations with incomplete particulars may be replied by seeking relevant particulars. The replies to such representations, cannot furnish a fresh cause of action or revive a stale or dead claim.

11. When a decision is issued by a court/tribunal to consider or deal with the representation, usually the directee (person directed) examines the matter on merits, being under the impression that failure to do so may amount to disobedience. When an order is passed considering and rejecting the claim or representation, in compliance with direction of the court or tribunal, such an order does not revive the stale claim, nor amount to some kind of “acknowledgement of a jural relationship” to give rise to a fresh cause of action.

12. When a government abandons service to take alternative employment or to attend to personal affairs, and does not bother to send any letter seeking leave or letter of resignation or letter of voluntary retirement, and the records do not show that he is treated as being in service, he cannot after two decades, represent that he should be taken back to duty. Nor can such employee be treated as having continued in service, thereby deeming the entire period as qualifying service for the purpose of pension. That will be a travesty of justice.

13. Where an employee unauthorisedly absents himself and suddenly appears after 20 years and demands that he should be taken back and approaches the court, the department naturally will not or may not have any record relating to the employee at that distance of time. In such cases, when the employer fails to produce the records of the enquiry and the order of dismissal/removal, court cannot draw an adverse inference against the employer for not producing records, nor direct reinstatement with back wages for 20 years, ignoring the cessation of service or the lucrative alternative employment of the employee. Misplaced sympathy in such matters will encourage discipline, lead to unjust enrichment of the employee at fault and result in drain of public exchequer. Many a time there is also no application of mind as to the extent of financial burden, as a result of a routine order for back wages.”

8. In **Surjeet Singh Sahni vs. State of Uttar Pradesh and others**², also the Hon'ble Apex Court observed and held as under in paras 7 and 8:

"7. Therefore, when such orders are passed by the High Courts either relegating the petitioner to make a representation and/or directing the appropriate authority to decide the representation, the High Courts have to consider whether the writ petition is filed belatedly and/or the same is barred by laches and/or not, so that in future the person who has approached belatedly may not contend that the fresh cause of action has arisen on rejection of the representation. Even in a case where earlier representation is rejected, the High Court shall decide the matter on merits.

8. As observed by this Court in catena of decisions, mere representation does not extend the period of limitation and the aggrieved person has to approach the Court 4 expeditiously and within reasonable time. If it is found that the writ petitioner is guilty of delay and laches, the High Court should dismiss it at the threshold and ought not to dispose of the writ petition by relegating the writ petitioner to file a representation and/or directing the authority to decide the representation, once it is found that the original writ petitioner is guilty of delay and laches. Such order shall not give an opportunity to the petitioner to thereafter contend that rejection of the representation subsequently has given a fresh cause of action."

9. The present writ petition has also been filed after almost three years from the date of the order of the Tribunal. Though the petitioner has tried to explain the laches in para-8 of the writ petition, but after going through the same, we are not satisfied, for the reason that laches can also not be explained by continuously making the representations, even after rejection of the claim on merits, which in the present case was in the year 2008 and the dismissal of the OA was in 2020.

10. Accordingly, the Writ Petition is dismissed.

No order as to costs.

² (2022) 15 SCC 536

As a sequel thereto, miscellaneous petitions, if any pending, shall also stand closed.

RAVI NATH TILHARI,J

CHALLA GUNARANJAN,J

Dated: 21.01.2025

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THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI
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