HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

TUESDAY, THE TWENTY THIRD DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH
AND
THE HONOURABLE SRI JUSTICE G.M. MOHIUDDIN

WRIT APPEAL NO: 1055 OF 2025

Writ Appeal under clause 15 of the Letters Patent Preferred against Order dated 28/05/2025 in W.P.No.14604 of 2018 on the file of the High Court.

Between:

Y.Muthaiah, S/o. Narsaiah(Late), Aged about 65 Years, Occ. Mechanic 2, TSRTC(Retired), Parkal Depot. R/o. H.No. 8-55, Padmashali Wada, Parkal Mandal, Warangal Dist.,

...APPELLANT

AND

1. Telangana State Road Transport Corporation, Rep. By its Managing Director, Bus Bhavan, Musheerabad, Hyderabad, T.S.
2. The Regional Manager, TSRTC, Warangal Region, Warangal Dist.,
3. The Deputy Chief Mechanical Engineer, TSRTC, Warangal Dist., Warangal.
4. The Depot Manager, Parkal Depot, Warangal Dist.,

...RESPONDENTS

IA NO: 1 OF 2025

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 suspend the operation of the order dated 28.05.2025 passed in W.P. No.14604 of 2018 by the Hon'ble Single Judge of this Court, pending disposal of the Writ Appeal.

Counsel for the Appellant: SRI G.SATISH BABU
Counsel for the Respondents: SRI U.SHANTHI BHUSHAN RAO, SC FOR TGSRTC

The Court delivered the following: JUDGMENT

THE HON'BLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH

AND

THE HON'BLE SRI JUSTICE G.M. MOHIUDDIN

WRIT APPEAL No.1055 OF 2025

JUDGMENT:

Heard Sri G.Satish Babu, learned counsel for the appellant and perused the record.

2. This appeal, under Clause 15 of the Letters Patent, is directed against the order dated 28.05.2025 passed by the learned Single Judge in W.P.No.14604 of 2018 wherein the learned Single Judge has dismissed the writ petition on the ground of inordinate delay and laches.

Brief facts of the case

3. It is the case of the appellant that he was employed as a Shramik with the respondent-Corporation. Following a disciplinary proceeding initiated on charges of unauthorized absence, he was removed from the service by an order dated 14.09.2007. Aggrieved by the same, the appellant preferred a statutory appeal. Accordingly, the Appellate Authority i.e., the Deputy Chief Mechanical Engineer, *vide* order dated 31.12.2007, exhibited compassionate and humanitarian approach and has set aside the order of removal. The Appellate

Authority, however, substituted the order of removal from service with a specific and conditional relief. The appellant was directed to be "re-appointed afresh as Shramik" with the explicit stipulation that he would not be entitled to any previous service or attendant benefits. Since the appointment of the appellant was afresh, the intervening period from the date of removal to the date of re-appointment was treated as "not on duty". The appellant accepted the conditional re-appointment and he rejoined duty on 07.02.2008 and continued to serve under the terms of the 2007 order until his superannuation on 30.04.2018. The appellant chose to file a "mercy petition" in the year 2015 with a delay of nine years, thereby seeking to nullify the denial of past service, which was rejected on 09.12.2016.

4. Accordingly, the appellant filed the underlying writ petition assailing the order of rejection of his 'mercy petition'. The learned Single Judge dismissed the said writ petition on the ground of delay and laches observing that the appellant/writ petitioner filed the mercy petition before respondent No.2 after nine years without explaining the silence for a period of about nine years and without giving any cogent reasons for the delay.

Aggrieved by the order of the learned Single Judge, the present appeal has been preferred.

Contentions of the learned counsel for the appellant:

5. Learned counsel for the appellant contended that the cause of action for filing the writ petition arose from the date of rejection of the mercy petition i.e., on 09.12.2016, on account of which the underlying writ petition filed in 2018. The writ petition is filed within a reasonable time considering the time line from the date of accrual of cause of action, namely, the rejection order of the 'mercy petition' dated 09.12.2016. Learned counsel also contends that the precedent relied upon by the learned Single Judge (W.A.Nos.1660 of 2018 & 593 of 2016) is in respect of a direct challenge to a punitive order, whereas the present challenge is to a subsequent, independent order of rejection.

6. We have taken note of the contentions urged.

Consideration of this Court

7. As per the doctrine of delay and laches, law aids the vigilant, not those who sleep over their rights. In the instant case, the appellant had accepted the appellate order dated 31.12.2007 and after the fresh appointment, the appellant

worked as a re-appointed Shramik for nearly a decade and has been superannuated in the year 2018. The filing of mercy petition abruptly in 2015 caused the very essence of laches. However, in respect to the original cause of action that arose in 2007, the very mercy petition is belated and time-barred and is hit by the doctrine of delay and laches.

8. Though the appellant contended that rejection of a representation gives rise to a fresh cause of action, it is to be noted that the above principle is applicable only to representations made within a reasonable time to address a grievance that is current or continuing and such a representation cannot be used to revive a grievance that has become stale due to the appellant having accepted the same and passage of a substantial time period. Further, a rejection of belated representation preferred purporting to espouse a stale cause does not confer any right. The rejection order dated 09.12.2016 merely reaffirmed the previously concluded decision of 2007.

9. This Court is of the considered view that the contention raised by the learned counsel for the appellant that the denial of 15 years of service, seniority and attendant pensionary benefits constitutes a continuing wrong which has effect even upon

superannuation, is without merit. The law clearly distinguishes between a continuing wrong and the continuing effects of a past, completed wrong. The order of the appellate authority passed in 2007 has attained finality. The attempt of the appellant to create a fresh cause of action on the basis of a representation/mercy petition cannot be countenanced.

10. It is settled law that an employee cannot be allowed to dispute a condition of service after having voluntarily accepted and availed the benefits of employment under that condition for a pretty long duration. We are of the considered opinion that the ratio as applied by the learned Single Judge while reiterating the judgment of the Division Bench in W.A.Nos.1660 of 2018 and 593 of 2016 is correct and the factual distinction attempted to be brought out by the appellant is non-existent.

11. In view of the aforesaid reasons, this Court is of the considered view that the learned Single Judge has rightly dismissed the underlying writ petition. Consequently, this Court is of the view that impugned order does not suffer from any infirmity or error. The Writ Appeal is devoid of any merit.

12. Accordingly, the Writ Appeal is dismissed. There shall be no order as to costs.

Consequently, miscellaneous petitions, if any pending, shall stand closed.

SD/-V. KAVITHA
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. One CC to SRI G.SATISH BABU, Advocate [OPUC]
2. One CC to SRI U.SHANTHI BHUSHAN RAO, SC FOR TGSRTC [OPUC]
3. Two CD Copies

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BS

HIGH COURT

DATED: 23/09/2025

JUDGMENT

WA.No.1055 of 2025



DISMISSING THE WRIT APPEAL,

WITHOUT COSTS

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