



**IN THE HIGH COURT OF ANDHRA PRADESH: AT AMARAVATI**

**THE HON'BLE Mr. JUSTICE AHSANUDDIN AMANULLAH  
AND**

**THE HON'BLE Ms. JUSTICE B.S.BHANUMATHI**

**WRIT PETITION No.20009 of 2012**

1. The Government of Andhra Pradesh, represented by its Principal Secretary, Home Department, Secretariat Building, Hyderabad.
  2. The State Level Police Recruitment Board rep. by its Chairman, Government of Andhra Pradesh, O/o. Director General of Police, Lakdikapool, Hyderabad.
  3. The Addl. Director General of Police (Training), Government of Andhra Pradesh, Hyderabad.
  4. The Superintendent of Police, Penukonda, Anantapur District.
- .... Petitioners

Versus

B.Satyam S/o late Sriramulu, Un-employee, R/o Kotampally village, Puletipally Post, Chenna Kothappalli Mandal, Ananthapur District.

.... Respondent

Counsel for the petitioners : Mr. N. Aswartha Narayana  
G.P. for Services – I

Counsel for the respondent : Mr. J. Sudheer, Advocate

**ORAL JUDGMENT**

**Date: 23.12.2021**

*(Per Hon'ble Mr. Justice Ahsanuddin Amanullah)*

Heard Mr. N. Aswartha Narayana, learned Government Pleader, Services-I, for the petitioners and Mr. J. Sudheer, learned counsel for the respondent.

2. The writ petition has been filed assailing the order, dated 21.02.2012 passed in O.A.No.9114 of 2010 by the Andhra Pradesh Administrative Tribunal, at Hyderabad (hereinafter referred to as 'the Tribunal') by which the O.A has been allowed holding that non-sending of the respondent for training pursuant to the notification issued in the



year 1999 was arbitrary and illegal and directing to issue selection order and send him for training either in the ensuing batch, in the existing vacancies or arising vacancies, with all consequential benefits for which time of four weeks was indicated for compliance.

3. Learned counsel for the petitioners submitted that the respondent had filled up application form for the post of A.P. Police Stipendiary Cadet Trainee Police Constable, Civil [hereinafter referred to as 'SCT PC (Civil)'] and his name was also reflected in the merit list dated 08.11.1999, however, despite being issued appointment order, he was not sent for training on the ground that he was involved in Crime No.133 of 1998 instituted under Sections 382 and 324 of the Indian Penal Code of C.K.Palli Police Station, Ramagiri Circle, Anantapur District. Thus, it was submitted that the respondent moved the Tribunal in O.A.No.9114 of 2010 against such action of the petitioners and the Tribunal has passed the order under challenge.

4. Learned counsel submitted that the respondent had not disclosed that he was involved in a criminal case which disentitles him for being appointed to the post. It was submitted that though the case was instituted more than a year prior to the filling up the application form, non-disclosure of the same clearly amounts to suppression of vital facts, more so, since the respondent was an aspirant for the post under the State Police, which is entrusted with the task of upholding the rule of law, whereas he himself has been accused of committing a criminal offence. Learned counsel submitted that the Tribunal has also lost sight of the fact that the cause of action arose in the year 1999 whereas the respondent had moved the Tribunal only in the year 2010, i.e., after a delay of 11 years, on which ground alone, the case was fit to be rejected. It was further submitted that the Tribunal has only gone on



presumptions and surmises and has drawn an inference that merely because the police had not arrested the respondent in the criminal case and the case was also closed showing it as 'mistake of fact', the respondent had no knowledge of the institution or pendency of criminal case and thus a direction has been issued to appoint him and send him for training. Learned counsel submitted that the criminal case basically relates to a matrimonial dispute and even if the respondent was not the main accused, he is closely related to the parties concerned and on that account, it can equally be presumed that he had knowledge of such institution of the case. Summing up his arguments, learned counsel submitted that both on the ground of gross delay and laches and the post being that of a Constable and the allegation being that he had suppressed the fact of being accused in a criminal case were enough for interfering with the order of the Tribunal.

5. *Per contra*, learned counsel for the respondent submitted that the Tribunal had called for the records and after going through the same had given a finding that the respondent was not arrested and that the police themselves had closed the case showing it as 'mistake of fact'. Moreover, learned counsel submitted that the Tribunal had noted the fact that the respondent had made several representations for his case to be considered for the post of SCT PC (Civil), but the petitioners have not passed any order, either considering or rejecting his representation, which clearly indicate that there was no delay or laches on his part.

6. Having considered the facts and submissions of the learned counsel for the parties, the Court finds that the order impugned cannot be sustained for the following reasons:-

- (i) The cause of action having arisen in the year 1999 and the respondent moving the Tribunal in the year 2010 itself was



sufficient for dismissing the OA, especially when the law relating to service matters stands settled that time is of essence and non-pursuance of a cause within a reasonable period extinguishes any right which may otherwise exist.

(ii) Further, the fact that there was a criminal case in which even if the respondent was not the main accused, since his involvement was on the basis of his being related to the main accused, it is difficult to presume that the respondent would have been totally ignorant or unaware of pendency of such criminal case.

(iii) Moreover, the Court finds substance in the contention of learned counsel for the petitioners that the post for which the respondent is aspiring, i.e., of a Police Constable, in the background of there being allegation of involvement of the respondent in the crime is also a factor, which goes against the respondent.

7. Thus, taking an overall view in the matter, the writ petition is allowed. The order dated 21.02.2012 in O.A.No.9114 of 2010, stands set aside. O.A.No.9114 of 2010 stands dismissed. No costs.

8. Miscellaneous Applications, if any pending, also stand disposed of.

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**(AHSANUDDIN AMANULLAH,J)**

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**( B.S.BHANUMATHI,J)**

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