



**HIGH COURT OF ANDHRA PRADESH**  
WEDNESDAY ,THE TWELFTH DAY OF JULY  
TWO THOUSAND AND TWENTY THREE

**PRESENT**

**THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI**  
**THE HONOURABLE DR JUSTICE K MANMADHA RAO**  
**WRIT PETITION NO: 20313 OF 2019**

**Between:**

1. T.V. Narasimha Murthy S/o Late Ankam Naidu  
Aged 57 years, Village Revenue Officer  
Presently Kondapalem Cluster,  
Office of The Tahsildar,  
Garividi Mandal, Vizianagaram District

**...PETITIONER(S)**

**AND:**

1. The Government of Andhra Pradesh rep.by its Principal Secretary,  
Revenue and Land Administration, Secretariat, Velagapudi, Amaravathi,  
Guntur Dist.
2. The Chief Commissioner/Special Chief Secretary Land Administration,  
Andhra Pradesh,  
Gollapudi Post, Vijayawada Rural,  
Vijayawada, Krishna Dt.
3. The District Collector, Vizianagaram District Vizianagaram.
4. The Tahsildar, Office of The Tahsildar  
Kothavalasa Mandal, Vizianagaram District

**...RESPONDENTS**

**Counsel for the Petitioner(s): KOKA SATYANARAYANA RAO**

**Counsel for the Respondents: GP FOR REVENUE (AP)**

**The Court made the following: ORDER**



**THE HON'BLE SRI JUSTICE RAVI NATH TILHARI  
AND**

**THE HON'BLE DR. JUSTICE K. MANMADHA RAO**

**W.P. No. 20313 of 2019**

**JUDGMENT:-** (Per Hon'ble Sri Justice Ravi Nath Tilhari)

1) Heard Sri. Motupalli Vijaya Kumar, learned Senior Advocate, assisted by Ms. M. Kavya Sudha, learned Counsel for the Petitioner and learned Government Pleader for Services I, for Respondent Nos. 1 to 4.

2) This Writ Petition under Article 226 of the Constitution of India is filed for the following reliefs:-

*".....pleased to issue an Order, direction or a writ or more particularly one in the nature of certiorari writ of mandamus declaring that the order passed in O.A. No.2609 of 2018, dated 10.12.2018 confirming the proceedings of the 2<sup>nd</sup> Respondent in C.C.L. Proceedings No. VSI (3) 2017, dated 23.02.2017 on the appeal submitted by the Petitioner against the proceedings of 3<sup>rd</sup> Respondent in R.C. No 1641 of 2013/A2, dated 14.07.2016 as arbitrary, illegal, contrary to the principles of natural justice, violative of Article 14 and 16 of Constitution of India and consequently direct the Respondent to treat the suspension period as on duty and grant all consequential service benefits and pass ....."*



3) The Petitioner was posted as Village Revenue Officer, was served charged memo, dated 22.11.2013, containing two [02] charges. He submitted reply/explanation on 04.12.2013. The Enquiry Officer submitted the report, dated 06.12.2014, which was served to the Petitioner on 29.01.2015, to which the Petitioner submitted reply on 13.02.2015. The disciplinary authority / District Collector, Vizianagaram, passed the order of punishment on 14.07.2016 imposing punishment of stoppage of Two Annual Grade Increments without cumulative effect, which is a minor penalty.

4) The Petitioner filed the appeal before the Appellate Authority, which was dismissed on 23.02.2017 as barred by limitation.

5) The Petitioner preferred O.A. No. 2609 of 2018, which has also been dismissed on 10.12.2018.

6) Challenging the order, dated 10.12.2018, the present writ petition has been filed.

7) Learned Counsel for the Petitioner submits that, the Petitioner's appeal was within a period of limitation.



8) In paragraph 5 of the affidavit, in support of the Writ Petition, there is a specific averment to the following effect:

*“It is submitted that the Petitioner preferred an appeal before the C.C.L.A. on 07.02.2017 against the orders of the Collector, dated 14.07.2016 and 05.01.2017. The said orders passed by the Collector, Vizianagaram, **has been challenged within the period of limitation. ....**”.*

9) In response, the 3<sup>rd</sup> Respondent filed counter affidavit. It is deposed that aggrieved by the Order of punishment, the Petitioner filed Appeal, which was dismissed as time barred and further that the 2<sup>nd</sup> Respondent in passing such order, acted strictly as per law.

10) Learned Counsel for the Respondents submits that, there is no illegality in the order of the Tribunal dismissing the O.A.

11) We have considered the submissions advanced and perused the material on record.

12) We find that in the counter affidavit it has not been specifically denied that the Appeal was filed within the



period of limitation as contended in paragraph 5 of the affidavit, as reproduced (supra).

13) We further find that, in the Appellate order the Appellate authority has not recorded any finding with respect to the date of service of the order of the District Collector in passing punishment on the Petitioner, against which the appeal was filed.

14) Rule 35 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991, [in short “**CCA Rules**”], which is relevant on the point in issue reads as under:

***“Rule 35. Period of limitation for appeals:-  
No appeal preferred under these rules shall be entertained unless such appeal is preferred within a period of three months from the date on which a copy of the order appealed against is delivered to the appellant.”***

15) It is evident from bare reading of Rule 35 of the CCA Rules that the period of limitation is 03 months from the date of delivery (service) of the copy of the Order against which appeal is filed.



16) Learned Counsels for both the sides submit that, there is nothing on record to point out the date of delivery of the copy of the penalty order on the Petitioner.

17) The question, if the appeal was or was not within limitation could be properly decided only after recording finding on such material issue of date of delivery of the order, as the period of limitation would start running from the date of service/delivery of the copy of the punishment order.

18) The Tribunal did not interfere with the Appellate order on the ground that the period of limitation is 03 months and since the appeal was not preferred within the specified period, there was no power vested in the Tribunal, to condone the delay or to direct the Appellate authority to consider the Petitioner's appeal on merits. The Tribunal missed the relevant point of date of delivery of the copy of the penalty order on Appellant/Petitioner.

19) Consequently, the order passed by the Appellate Authority, rejecting the appeal as time barred, cannot be sustained. The impugned order of the Tribunal can also not be sustained.



20) In the result, the Order of the Tribunal, dated 10.12.2018, and the Appellate order, dated 23.02.2017, are quashed. The Writ Petition is **allowed** with the direction to the Appellate authority to consider the Petitioner's appeal in accordance with law afresh on the point of limitation within a period of six [06] weeks from the date copy of this order is produced before the Appellate authority.

21) We clarify that, we have not observed anything on the point if appeal is or is not barred by limitation nor on the merits of the appeal.

22) No order as to costs.

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

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**RAVI NATH TILHARI, J**

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**DR. JUSTICE K. MANMADHA RAO**

Date: 12.07.2023

**Note :**

L.R. copy to be marked.

B/o. SM/...



**THE HON'BLE SRI JUSTICE RAVI NATH TILHARI  
AND  
THE HON'BLE DR. JUSTICE K. MANMADHA RAO**

**W.P. No. 20313 of 2019**

**Date: 12.07.2023**

SM/...