

**IN THE HIGH COURT FOR THE STATE OF TELANGANA : HYDERABAD**

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**WRIT PETITION No.36516 of 2024**

Between:

A.R. Vilasitha, aged 47 years:  
D/w Sri R Rajaiah, Occ: Junior Civil Judge,  
(Under dismissal) R/o Flat No 402,  
Sri Lakshmi Residency, Road No.3,  
Opp PRM School Lane, Boduppall,  
Hyderabad 500939: Mobile No. 897898774  
email id: aralaharitha@gmail.com

Petitioner

VERSUS

The State of Telangana,  
Law (LA, LA &J Home courts.A2)  
Department rep. by its Secretary to Government,  
Legal Affairs, Legislative Affairs & Justice,  
Government of Telangana, Secretariat,  
Hyderabad and Others.

Respondents

**ORDER PRONOUNCED ON: 03.02.2025**

**THE HON'BLE SRI JUSTICE P.SAM KOSHY**

**AND**

**THE HON'BLE SRI JUSTICE NARSING RAO NANDIKONDA**

1. Whether Reporters of Local newspapers  
may be allowed to see the Judgments? : Yes
2. Whether the copies of judgment may be  
marked to Law Reporters/Journals? : Yes
3. Whether His Lordship wishes to  
see the fair copy of the Judgment? : **Yes**

**P.SAM KOSHY, J**

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**AND**  
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Respondents

! Counsel for Petitioner(s) : Mr. Dr. K. Lakshmi Narasimha,  
learned counsel for the petitioner.

^Counsel for the respondent(s) : learned Government Pleader for Law &  
Legislative Affairs appearing on behalf  
of respondent No.1.

Mr. G. Vidya Sagar, learned Senior  
Counsel representing Ms. Udaya Sri,  
learned Standing Counsel appearing  
on behalf of respondent No.2.

<GIST:

> HEAD NOTE:

? Cases referred

- 1) (2014) 4 SCC 108
- 2) (2007) 2 SCC 112
- 3) (2006) 11 SCC 464
- 4) (2015) 1 SCC 347

**THE HON'BLE SRI JUSTICE P.SAM KOSHY**

**AND**

**THE HON'BLE SRI JUSTICE NARSING RAO NANDIKONDA**

**WRIT PETITION No.36516 of 2024**

**ORDER:** *(per the Hon'ble Sri Justice P. Sam Koshy)*

The instant Writ Petition has been filed by the petitioner challenging the order passed by respondent No.1 *vide* G.O.Ms.No.20, dated 02.04.2019, and also challenging the consequential order passed by respondent No.2 *vide* ORDER ROC.NO.731 & 1525/2016-Vigilance Cell, dated 09.04.2019, declaring it to be illegal, arbitrary, contrary to law and wholly without jurisdiction.

**2.** Heard Dr. K. Lakshmi Narasimha, learned counsel for the petitioner, learned Government Pleader for Law & Legislative Affairs appearing on behalf of respondent No.1 and Mr. G. Vidya Sagar, learned Senior Counsel representing Ms. Udaya Sri, learned Standing Counsel appearing on behalf of respondent No.2.

**3.** There is no dispute of the impugned order having been served upon the petitioner promptly. Though the impugned order was served promptly in April, 2019, the instant Writ Petition has been filed on 30.10.2024 i.e. after a gap of more than 5½ years. When the matter was initially taken up for admission and upon the Bench putting up a query so far as the delay on the part of the petitioner in approaching

the Writ Court, the petitioner took time to address the same and meanwhile filed an additional affidavit. In the additional affidavit, the petitioner has primarily put the blame for not filing the Writ Petition promptly upon the different Counsels she had approached and consulted; all of whom according to the petitioner did not co-operate in prompt filing of the petition. The additional ground that the petitioner has taken is also that of the financial distress she went into after having lost her employment and the effects of the Covid-19 Pandemic that took place during the period 2020-2022.

**4.** Though the learned counsel for the petitioner in the additional affidavit has referred to a series of judgments of the Hon'ble Supreme Court wherein the Hon'ble Supreme Court has held that the delay laches have to be considered more pragmatically and with a liberal view and also held that the delay or limitation in condone delay petitions or the requests should not be rigidly applied particularly when the petition pertains to enforcement of fundamental right or where the petitioner / litigant has been subjected to great injustice.

**5.** Having heard the contentions put forth by the learned counsel for the petitioner, admittedly considering the date of dismissal and the date of filing, there is a delay of more than 5½ years. 5½ years gap is not a small period for a person to agitate his / her grievance before

any Court of law. What needs to be appreciated at this juncture is that the petitioner in the instant case was working as a Judicial Officer in the State of Telangana. The petitioner is a person who is fully aware of the rights and remedies available to her subsequent to the order of dismissal from service having been passed and she is also supposed to know law well. Therefore, the plea of ignorance and also not being aware of her legal remedies cannot be sustained.

**6.** From the explanation that has been given in the additional affidavit also, the first explanation provided is that after the impugned order having been served upon the petitioner and she having been dismissed from service with effect from 09.04.2019, she re-located herself and came to Hyderabad and started staying with her elderly parents. The further explanation so provided also shows that for the first time she approached an Advocate in January, 2022. This itself shows that for a period of around 3 years, she did not avail any legal recourse or supposed to avail legal recourse during the intervening period and now she is trying to take advantage of the Covid-19 Pandemic that took place in between. The Covid-19 Pandemic or for that matter the lockdown also was imposed roughly after 11 months of the impugned order was passed, which by itself is a long period of time for any person to approach Writ Court ventilating their grievance, particularly when the impugned order is one that of dismissal from

service and moreover it is difficult to accept the contention of the petitioner, that she could not approach the Writ Court only because she did not get a favorable support from any of the lawyers she had consulted before filing of the present Writ Petition. When the petitioner had approached one lawyer who for whatsoever being the reason had not filed the petition promptly, the petitioner being a Judicial Officer ought to have been cautious enough to ensure that she files a petition immediately either by engaging another lawyer or by filing a petition herself. The explanation so provided by the petitioner is not justifiable or plausible explanation for the inordinate delay of more than 5½ years.

**7.** Apparently when there is a clear laxity on the part of the petitioner in asserting her right and trying to rekindle the cause of action which the petitioner herself had forsaken for a long period, discretion cannot be exercised in favour of such a person.

**8.** It is by now well settled proposition of law that though for filing a Writ Petition no fixed period of limitation is prescribed, nonetheless it has to be filed promptly, if not within a reasonable period of time. In the said circumstances when a petition, that too, of an Ex-Judicial Officer who is fully conversant of the laws and the legal remedies available to her, approaches Writ Court after a gap of more than 5½

years agitating her dismissal from service it clearly reflects the petitioner to be guilty of delay laches. The Writ remedy should not be permitted to be invoked by such indolent person and cannot now be permitted to take advantage of her own deliberate act of not approaching the Court promptly that too at this belated stage. The Writ remedies are always available to somebody who is ever vigilant and not indolent at all.

9. It would be relevant at this juncture to refer to the judgment of the Hon'ble Supreme Court in the case of **Chennai Metropolitan Water Supply and Sewerage Board and Others vs. T.T. Murali Babu**<sup>1</sup> wherein the Hon'ble Supreme Court dealing with the aspect of delay laches in paragraph No.16 has held as under, viz.,

*“16. Thus, the doctrine of delay and laches should not be lightly brushed aside. A writ court is required to weigh the explanation offered and the acceptability of the same. The court should bear in mind that it is exercising an extraordinary and equitable jurisdiction. As a constitutional court it has a duty to protect the rights of the citizens but simultaneously it is to keep itself alive to the primary principle that when an aggrieved person, without adequate reason, approaches the court at his own leisure or pleasure, the court would be under legal obligation to scrutinise*

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<sup>1</sup> (2014) 4 SCC 108

*whether the lis at a belated stage should be entertained or not. Be it noted, delay comes in the way of equity. In certain circumstances delay and laches may not be fatal but in most circumstances inordinate delay would only invite disaster for the litigant who knocks at the doors of the court. Delay reflects inactivity and inaction on the part of a litigant — a litigant who has forgotten the basic norms, namely, “procrastination is the greatest thief of time” and second, law does not permit one to sleep and rise like a phoenix. Delay does bring in hazard and causes injury to the lis.”*

**10. Earlier also in the case of State of **Uttaranchal Forest Development Corpn. and Another vs. Jabar Singh and Others**<sup>2</sup>**

wherein an order of termination itself was challenged, the Hon’ble Supreme Court held at paragraph No.43 as under, viz.,

*“43. We are unable to countenance the above submission of Mr Mehta and Mr Sangal insofar as it relates to the non-maintainability of the writ petition and the delay and laches. It is not in dispute that the effective alternative remedy was not availed of by many of the workmen as detailed in paragraphs supra. The termination order was made in the year 1995 and the writ petitions were admittedly filed in the year 2005 after a delay of 10 years. The High Court, in our opinion, was not justified in entertaining the writ petition on the ground that the petition has been filed after a delay of 10 years and that the writ petitions should have been dismissed by the High Court on*

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<sup>2</sup> (2007) 2 SCC 112

*the ground of laches. We have already referred to the decision of this Court in U.P. State Spg. Co. Ltd. v. R.S. Pandey [(2005) 8 SCC 264]. This Court speaking through Arijit Pasayat, J. has held in categorical terms that writ petition under Article 226 of the Constitution should not be entertained when the statutory remedy is available under the Act unless exceptional circumstances are made out.”*

**11.** In the case of **U.P. Jal Nigam and Another vs. Jaswant Singh and Another**<sup>3</sup>, the Hon’ble Supreme Court refused to extend the benefit to the petitioners applying the principle of delay laches. It was held by the Hon’ble Supreme Court that when a person who is not vigilant of his rights and acquiesces into a situation, his Writ Petition cannot be heard after a couple of years on the ground that a similar relief has been granted to some other persons who were vigilant enough and had approached the Court timely and got the relief.

**12.** In the case of State of **Uttar Pradesh and Others vs. Arvind Kumar Srivastava and Others**<sup>4</sup>, the Hon’ble Supreme Court while laying down the legal principles of delay laches had held in paragraph No.22.2 as under, viz.,

*“22.2. However, this principle is subject to well-recognised exceptions in the form of laches and delays as well as acquiescence. Those persons who did not challenge the wrongful action in their cases and acquiesced into the same and woke up after long delay only because of the reason*

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<sup>3</sup> (2006) 11 SCC 464

<sup>4</sup> (2015) 1 SCC 347

*that their counterparts who had approached the court earlier in time succeeded in their efforts, then such employees cannot claim that the benefit of the judgment rendered in the case of similarly situated persons be extended to them. They would be treated as fence-sitters and laches and delays, and/or the acquiescence, would be a valid ground to dismiss their claim.”*

**13.** In view of the judicial precedents touching the aspect of delay laches referred to in the preceding paragraphs and upon seeing the inordinate delay of more than 5½ years, coupled with the fact, the weak justification and explanation which is not plausible or satisfactory in any manner forces this Bench to hold that the instant Writ Petition suffers from delay laches and deserves to be dismissed.

**14.** The instant Writ Petition is accordingly dismissed. No costs.

**15.** As a sequel, miscellaneous petitions pending if any, shall stand closed.

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**P.SAM KOSHY, J**

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**NARSING RAO NANDIKONDA, J**

Date: 03.02.2025

**Note:** LR Copy to be marked.  
B/o.GSD