



**IN THE HIGH COURT OF ANDHRA PRADESH  
AT AMARAVATI  
(Special Original Jurisdiction)**

**[3459]**

FRIDAY, THE THIRTYFIRST DAY OF JANUARY  
TWO THOUSAND AND TWENTY FIVE

**PRESENT**

**THE HON'BLE SMT. JUSTICE SUMATHI JAGADAM**

**WRIT PETITION (AT) Nos.892, 1019 and 2237 of 2021**

**W.P.(AT) No.892 of 2021**

Between:

A.Nirmala and others

... Petitioners

and

The Divisional Forest Officer,  
Territorial Division, Nellore,  
SPSR Nellore District and others

... Respondents

**W.P.(AT) No.1019 of 2021**

Between:

V. Ramachandra Reddy and others

... Petitioners

and

The Divisional Forest Officer,  
Wild Life (EAST) Division, Chittoor,  
Chittoor District and others

... Respondents

**W.P.(AT) No.2237 of 2021**

Between:

G.Muralikrishna and others

... Petitioners

and

The Divisional Forest Officer (T),  
Vizianagaram Division, Vizianagaram  
District and others

... Respondents

Counsel for the petitioners : Sri P.V. Ramana

Counsel for the respondents : The Government Pleader for  
Services-I

This Court made the following:

**COMMON ORDER:**

Since the issues involved in these three writ petitions are the same, they are heard together and disposed of by this common order.

2. W.P.(AT) No.892 of 2021 is filed to declare the action of the respondents in not enforcing the orders dated 01.11.2013 passed by the Andhra Pradesh Administrative Tribunal in O.A.No.7677 of 2013 as illegal and arbitrary, and consequently, to direct the respondents to enforce the said order on par with the applicants in O.A.Nos.6976, 6977, 6978, 6979, 6981, 6996 and 6997 of 2013 with all consequential benefits.

3. W.P.(AT) No.1019 of 2021 is filed to declare the action of the respondents in not enforcing the orders dated 30.10.2013 passed by the Andhra Pradesh Administrative Tribunal in O.A.No.7621 of 2013 as illegal and arbitrary, and consequently, to direct the respondents to enforce the said order on par with the applicants in O.A.Nos.6976, 6977, 6978, 6979, 6981, 6996 and 6997 of 2013 with all consequential benefits.

4. W.P.(AT) No.2237 of 2021 is filed to declare the action of the respondents in not enforcing the orders dated 13.11.2013 passed by the Andhra Pradesh Administrative Tribunal in O.A.No.8027 of 2013 as illegal

and arbitrary, and consequently, to direct the respondents to enforce the said order with all consequential benefits.

5. The details of each case are shown as under:

Name of the claimant	O.A.No.	Order passed in O.A.	Any writ petition filed by State against the order in O.A.
A.Nirmala and four others	O.A.No.7677 of 2013	The O.A. is disposed of on <b>01.11.2013</b> directing the respondents to grant HRA and annual grade increments etc. to the petitioners as was sanctioned to persons similarly situated in the time scale wherein their pay was fixed and also to pay the arrears. It is further directed to extend the benefit of pay revision made from time to time. Necessary orders shall be passed by the respondents within eight weeks.	The order has attained finality. No writ petition is preferred against the order passed in O.A.No.7677 of 2013.
V.Ravichandra Reddy and six others	O.A.No.7621 of 2013	The O.A. is disposed of on <b>30.10.2013</b> directing the respondents to grant HRA and annual grade increments etc. to the petitioners as was sanctioned to persons similarly situated in the time scale wherein their pay was fixed and also to pay the arrears. It is further directed to extend the benefit of pay revision made from time to time. Necessary orders shall be passed by the respondents within eight weeks.	The order has attained finality. No writ petition is preferred against the order passed in O.A.No.7621 of 2013.
G.Murali	O.A.No.8027 of	The O.A. is disposed of on	The order

Krishna and 11 others	2013	<b>13.11.2013</b> directing the respondents to grant HRA and annual grade increments etc. to the petitioners as was sanctioned to persons similarly situated in the time scale wherein their pay was fixed and also to pay the arrears. It is further directed to extend the benefit of pay revision made from time to time. Necessary orders shall be passed by the respondents within eight weeks.	has attained finality. No writ petition is preferred against the order passed in O.A.No. 8027 of 2013.
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6. The petitioners in the current writ petitions are not parties to O.A. No.6976 of 2013, where the State has filed a writ petition.

7. The petitioners contended that they are similarly situated individuals, and the writ petitions were filed to enforce the orders passed in favour of the petitioners in O.A. Nos.7677, 7621, and 8027 of 2013.

i) The counsel for the petitioners relied on the judgment of the Hon'ble Supreme Court in **State of Haryana Vs. M.P. Mohla**<sup>1</sup>, wherein it is observed thus:

*"22. We, as at present advised, do not intend to go into the question as to whether the Revised Pay Rules or the ACP Rules will apply in the case of the respondent. The dispute between the parties has to be decided in accordance with law. What, however, cannot be denied or disputed is that a dispute between the parties once adjudicated must reach its logical conclusion. If a specific question which was not raised and*

<sup>1</sup> (2007) 1 SCC (L&S) 303

*which had not been decided by the High Court the same would not debar a party to agitate the same at an appropriate stage, subject, of course, to the applicability of principles of res judicata or constructive res judicata.”*

ii) The learned counsel also relied on a decision of the Apex Court in **Commissioner, Karnataka Housing Board Vs. C. Muddaiah**<sup>2</sup>. In Para 32 of its judgment, the Apex Court opined that if the order passed by the court is not complied with, the only remedy available to the party is to challenge the order by taking appropriate proceedings known to the law, which, according to this court, is that the party aggrieved should file a contempt application. But, without taking appropriate remedy and after waiting for a period of three years, the petitioners cannot approach the Court by filing another writ petitions seeking enforcement of the earlier orders.

8. This Court is not making the order ineffective. According to the Contempt of Courts Act, 1971, the limitation for filing contempt is one year. The O.As. were disposed of in 2013. Instead of filing contempt applications, the petitioners waited for the orders passed in the other O.As., against which W.Ps. and S.L.Ps. were filed, in which the petitioners were not parties. After finding that the orders in the other O.As. had been

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<sup>2</sup> (2007) 7 SCC 689

implemented, the petitioners filed the present O.As., which were renumbered as WP(AT), seeking enforcement of the orders passed in the earlier O.As.

9. The petitioners have slept over their rights. After finding that the orders were implemented vide proceedings dated 28.03.2017, they approached the Court seeking enforcement of the orders passed in 2013, and they would be treated as fence-sitters.

10. The five-Judge Bench of the Hon'ble Supreme Court in the case of ***Rabindranath Bose Vs. Union of India***<sup>3</sup>, observed thus:

*“32. .... After carefully considering the matter, we are of the view that no relief should be given to petitioners who, without any reasonable explanation, approach this Court under Article 32 of the Constitution after inordinate delay. The highest Court in this land has been given original jurisdiction to entertain petitions under Article 32 of the Constitution. It could not have been the intention that this Court would go into stale demands after a lapse of years. It is said that Article 32 is itself a guaranteed right. So it is, but it does not follow from this that it was the intention of the Constitution-makers that this Court should discard all principles and grant relief in petitions filed after inordinate delay.”* (emphasis supplied)

11. The law will assist only those who are vigilant and not those who sleep over their rights. This is based on the Maxim ***“vigilantibus non-dormientibus jura subveniunt”***, when the cause of action is complete,

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<sup>3</sup> (1970) 1 SCC 84

there is no question of a recurring right. In cases where the right gets determined, and the same has to be enforced, it goes without saying that such enforcement should be made within the period of limitation.

12. In the instant case, the petitioners slept over their right and woke up after finding that the order was implemented to others and filed the writ petitions seeking enforcement of the earlier orders. The three-Judge Bench of the Hon'ble Supreme Court in the case of **BSNL vs. Ghanshyam Dass**<sup>4</sup> observed as under:

*“26. On the other hand, where only the affected parties approach the court and relief is given to those parties, the fence-sitters who did not approach the court cannot claim that such relief should have been extended to them, thereby upsetting or interfering with their rights which had accrued to others.”*  
(emphasis supplied)

13. The Hon'ble Supreme Court, in **State of U.P. Vs. Arvind Kumar Srivastava**<sup>5</sup>, held as follows:

*“22.3. However, this exception may not apply in those cases where the judgment pronounced by the court was judgment in rem with intention to give benefit to all similarly situated persons, whether they approached the court or not. With such a pronouncement the obligation is cast upon the authorities to itself extend the benefit thereof to all similarly situated persons. Such a situation can occur when the subject-matter of the decision touches upon the policy matters, like scheme*

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<sup>4</sup> (2011) 4 SCC 374

<sup>5</sup> (2015) 1 SCC 347



*of regularisation and the like (see K.C. Sharma v. Union of India [K.C. Sharma v. Union of India, (1997) 6 SCC 721 : 1998 SCC (L&S) 226] ). On the other hand, if the judgment of the court was in personam holding that benefit of the said judgment shall accrue to the parties before the court and such an intention is stated expressly in the judgment or it can be impliedly found out from the tenor and language of the judgment, those who want to get the benefit of the said judgment extended to them shall have to satisfy that their petition does not suffer from either laches and delays or acquiescence.”*  
(emphasis supplied)

14. The High Court of Madras observed in its judgment dated 11.08.2022 in W.P.No.4314 of 2015 as under:

“8. xxxxxxxx

*16. Whilst it is true that limitation does not strictly apply to proceedings under Articles 32 or 226 of the Constitution of India, nevertheless, such rights cannot be enforced after an unreasonable lapse of time. Consideration of unexplained delays and inordinate laches would always be relevant in writ actions, and writ courts naturally ought to be reluctant in exercising their discretionary jurisdiction to protect those who have slept over wrongs and allowed illegalities to fester. Fence-sitters cannot be allowed to barge into courts and cry for their rights at their convenience, and vigilant citizens ought not to be treated alike with mere opportunists.”*  
(emphasis supplied)

15. The case in hand is not exceptional. Except for stating that the petitioners are similarly situated persons, they have not taken any appropriate steps to enforce the orders. Petitioners should be aware of their rights. Moreover, it is not even their argument that a representation

was made for implementing the orders passed in the earlier OAs filed by them. The Apex Court in the case of **Union of India Vs. Chaman Rana**<sup>6</sup> has held as under:

*"10. Mere repeated filing of representations could not be sufficient explanation for delay in approaching the Court for grant of relief, was considered in Gandhinagar Motor Transport Society v. Kasbekar [Gandhinagar Motor Transport Society v. Kasbekar, 1953 SCC OnLine Bom 64: AIR 1954 Bom 202], by Chagla, C.J. observing as follows: (SCC OnLine Bom: AIR p. 203, para 2)*

*"2. Now, we have had occasion to point out that the only delay which this Court will excuse in presenting a petition is the delay which is caused by the petitioner pursuing a legal remedy which is given to him. In this particular case the petitioner did not pursue a legal remedy. The remedy he pursued was extra-legal or extra-judicial. Once the final decision of the Government is given, a representation is merely an appeal for mercy or indulgence, but it is not pursuing a remedy which the law gave to the petitioner....".*  
*(emphasis supplied)*

16. If the Courts permit such a prolonged adjudication of issues one after another on the ground that similarly placed persons were granted benefits, and there is no end to the issues, such a delay would undoubtedly prejudice the interest of the Government and the financial constraints to the State. As a Government employee, the employee is expected to redress his grievance in a reasonable period of time, and he

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<sup>6</sup> (2018) 5 SCC 798

cannot institute litigation after a prolonged period on the ground that similarly placed persons were granted benefits.

17. The petitioners are re-agitating claims which they had not pursued for several years. They were not vigilant but content to be dormant and chose to sit on the fence till somebody else's case came to be decided.

18. This Court is reluctant to exercise its discretionary power to protect these fence-sitters who slept over their rights and cried for their rights at their convenience.

19. Accordingly, all the Writ Petitions (AT) are dismissed. No order as to costs.

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

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**SUMATHI JAGADAM, J**

31<sup>st</sup> January, 2025  
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THE HON'BLE SMT. JUSTICE SUMATHI JAGADAM

WRIT PETITION (AT) Nos.892, 1019 and 2237 of 2021

31<sup>st</sup> January, 2025

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