



CNR: KAHC010365132022

NC: 2026:KHC:40297
WP No. 16263 of 2022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31ST DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE ASHOK S.KINAGI

WRIT PETITION NO. 16263 OF 2022 (S-RES)

BETWEEN:

SRI. B.Y.SRINIVAS,
AGED ABOUT 57 YEARS,
S/O L. YALAKKI,
R/AT NO.1870/27,
7TH 'A' MAIN ROAD,
E BLCOK, II STAGE,
RAJAJINAGAR,
BANGALORE - 560 010.

...PETITIONER

(BY SRI. MUKKANNAPPA S.B., ADVOCATE)

AND:

1. THE EXECUTIVE DIRECTOR AND APPELLATE
AUTHORITY,
BANK OF BARODA,
BARODA CORPORATE CENTRE,
326, G BLOCK,
BANDRA KURLA COMPLEX,
BANDRA EAST,
MUMBAI - 400 051.
2. THE GENERAL MANAGER AND
DISCIPLINARY AUTHORITY,
ZONAL HEAD (BANGALORE ZONE),
VIJAYA TOWER,

Digitally
signed by
KIRAN
KUMAR R

Location:
HIGH COURT
OF
KARNATAKA





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41/2, M.G. ROAD,
TRINITY CIRCLE,
BANGALORE - 560 001.

...RESPONDENTS

(BY SRI.T.P.MUTHANNA, ADVOCATE)

THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER OF DISMISSAL BEARING NO.ZO/BLR.DP.E.VIJ-S3.09/719 DATED 01.04.2021 PASSED BY THE R-2 VIDE ANNEX - J; QUASH THE REJECTING ORDER BEARING NO.DP.114.APPEAL.152 DATED 28.01.2022 PASSED BY THE R-1 VIDE ANNEX-L AND ETC.,

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE ASHOK S.KINAGI

ORAL ORDER

1. The petitioner filed this writ petition seeking the following reliefs:

a] ISSUE a writ in the nature of certiorari quashing the order of dismissal bearing No.ZO/BLR:DP:E-VIJ-S3:09/718 dated 1.4.2021 passed by the 2nd Respondent at ANNEXURE-J to the writ petition, under the facts and circumstances of the case;

b] ISSUE a writ in the nature of certiorari quashing the rejecting order bearing No.DP.114: Appeal: 152 dated 28.1.2022 passed by the 1st Respondent at ANNEXURE-L to the writ petition, under the facts and circumstances of the case;



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c] ISSUE a writ in the nature of mandamus directing the Respondents to reinstate the Petitioner into service with continuity of service with all other consequential benefits including full back wages from the date of dismissal till the date of reinstatement, under the facts and circumstances of the case; and

d] PASS any other appropriate writ, order or orders or direction as this Hon'ble court may deems fit to grant by considering the facts and circumstances of the case, in the interests of justice and equity.

2. Brief facts leading rise to the filing of this petition are as follows:
3. The petitioner is working in the Bank of Baroda and a disciplinary inquiry was initiated against the petitioner and the charges levelled against the petitioner was proved. The Disciplinary Authority has passed an order of dismissal of the petitioner from service. The petitioner aggrieved by the order of dismissal from service, filed an appeal before the appellate authority along with an application for condonation of delay.
4. The appellate authority has rejected the application for condonation of delay on the ground that there are no



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sufficient reasons assigned for filing the appeal at a belated stage vide Annexure-L dated 28.01.2022. Hence, this petition.

5. Heard the learned counsel for the petitioner and learned counsel for the respondents.
6. Learned counsel to the petitioner submits that the petitioner has shown sufficient cause for not filing the appeal within time. He submits that after receiving the order of dismissal from service he underwent a mental trauma and his health was deteriorated. Hence, he could not file the appeal within the time. The appellate authority without considering the said aspect has refused to condone the delay. Hence, the order passed by the appellate authority is in contrary to the judgment rendered by the Hon'ble Apex Court in the case of ***Collector Land Acquisition, Anantnag and another vs. Mst. Katiji and others***¹. Hence, on this ground, he

¹ (1997) 2 SCC 107



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prays to set aside the order dated 28.01.2022 vide Annexure- L passed by the appellate authority and condone the delay and direct the appellate authority to decide the appeal on merits.

7. *Per contra*, learned counsel for the respondents supported the impugned order and submits that the petitioner has not shown "sufficient cause" for condoning the delay in filing the appeal. Hence, he prays to dismiss the petition.

8. Perused the records, and considered the submissions of the learned counsel for the parties.

9. It is an undisputed fact that the petitioner was working in the Vijay Bank which was merged on 01.04.2019 into Bank of Baroda. The disciplinary authority has initiated an inquiry against the petitioner. On the basis of the inquiry report, the respondent No.2 has passed an order of dismissal from service. The petitioner aggrieved by the order of dismissal from service dated 01.04.2021,



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preferred an appeal before the appellate authority vide Annexure-K.

10. On 29.09.2021, the petitioner also filed an application for the condonation of delay in preferring an appeal. In the application, it is contended that after receiving the order of dismissal from service, the petitioner health condition became disorder. Further, due to his inability to contact his officer, association or legal advisor, he could not file the appeal within the stipulated period.

11. It is quite natural that when the employee is terminated from service, he will be under a shock and because of the said reason, the employee immediately cannot take steps to file an appeal. As the petitioner has shown sufficient cause for not preferring an appeal within the stipulated period. In view of the proposition laid down by the Hon'ble Apex Court in case of ***Collector Land Acquisition, Anantnag and another***



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vs. Mst. Katiji and others (supra), the Hon'ble Apex Court has held that while dealing with an application under Section 5 of the limitation Act, that must be considered liberally in order to do the substantial justice. Merely on the technical consideration, the court should not throw the litigation out of the court on the ground of delay and laches.

12. Considering the proposition laid down by the Hon'ble Apex Court in the case of **Collector Land Acquisition, Anantnag** (referred supra), the appellate authority could have condoned the delay in filing the appeal. The impugned order vide Annexure-L passed by the appellate authority is arbitrary and erroneous and the same is liable to be quashed.

13. In view of the above discussion, I proceed to pass the following order:

ORDER

- i. The writ petition is ***allowed in part.***



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- ii. The impugned order passed by respondent No.1 dated 28.01.2022 vide Annexure-L, is hereby quashed.
- iii. The appeal is restored to its original file.
- iv. The Appellate authority is directed to hear the appeal on merits and pass appropriate orders in accordance with law.
- v. The Appellate authority is directed to dispose of the appeal within a period of 3 months from the date of receipt of copy of this order.
- vi. Pending IA(s), if any, stands disposed of accordingly.

Sd/-
(ASHOK S.KINAGI)
JUDGE

SKS