

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO.8231 OF 2013**

Yedery Pandurang Rao

...Petitioner.

versus

Union Bank of India and others

..Respondents.

.....

Mr. Kalpesh Joshi with Mr. Bhojraj Baral i/b Shivani Paranjpe for the
Petitioner.

Ms. Rita Joshi with Mr. Swapnil P. Kamble i/b Mr. Ashok D. Shetty for the
Respondents.

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**CORAM : NARESH H. PATIL &
A.S. GADKARI, JJ.**

3rd February, 2015.**P.C. :**

Heard the learned counsel appearing for the parties.

2. The Petitioner was working as officer in charge of the Bills Department of the Union Bank of India. After holding a departmental enquiry, he was terminated on 20th February, 1989. Criminal prosecution was also lodged against the Petitioner for an offence punishable under Sections 409 and 477-A of the Indian Penal Code and Section 5(2) read with Section 5(1)(d) of the Prevention of Corruption Act. By a judgment and order dated 29th November, 2005 the Special Judge, Greater Mumbai acquitted the Petitioner of the charges. It is further submitted that the Petitioner thereafter filed this Petition challenging the termination / dismissal order and praying for consequential benefits.

3. Learned counsel appearing for the bank submits that this Petition has been filed at a highly belated stage without explaining the delay

properly. The bank is not in possession of old record to counter the submissions made by filing reply.

4. We have perused the record and find that the Petition suffers from severe latches and delay. Inspite of the Petitioner being acquitted in the year 2005, he filed the Petition in the year 2013. The Petitioner could have challenged the order of termination / dismissal passed by the bank in the year 1989 at the relevant time. We could not accept the submission that the Petitioner was waiting for the outcome of the criminal case for challenging the termination order before this Court. There is no case made out on merits to entertain the Petition. In view of the abnormal delay which is not explained properly, the Petition stands dismissed.

(Naresh H. Patil, J.)

(A.S. Gadkari, J.)