

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.3258 OF 2014

[Mustak Ahmed s/o Abdul Gaffar Qureshi .vs. Registrar, High Court of Judicature at Bombay, Bench at Nagpur]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri A.S. Kilor, counsel for the petitioner,
Shri Nitin Autkar, counsel h/f Mrs. B.H. Dangre, counsel for the respondent.

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CORAM : SMT. VASANTI A. NAIK AND
PRASANNA B. VARALE, JJ.

DATED : JULY 02, 2015.

By this petition, the petitioner challenges the order of the Disciplinary Authority terminating the services of the petitioner as a Bailiff, as also the order of the appellate authority dismissing the administrative appeal filed by the petitioner.

The petitioner was working as a Bailiff with the respondent from 25.5.1987. The petitioner remained unauthorizedly absent from duty from 1.12.2001. When the notice was tried to be served on the petitioner in respect of the departmental inquiry, the petitioner refused to accept the same after reading its contents. An inquiry was conducted against the petitioner and the Disciplinary Authority terminated the services of the petitioner by the order dated 5.7.2003. The petitioner did not challenge the order of the Disciplinary Authority for more than seven years. After seven years, an Administrative Appeal was preferred. However, by the impugned order dated 8.5.2014, the appeal was dismissed and the order of the Disciplinary Authority was maintained. It was held by the Hon'ble Judge in the order in Appeal that the inordinate delay in filing the appeal could not have been condoned in the absence of sufficient cause. The appeal was dismissed, both on merits and on the ground of delay that was not condoned. The petitioner has challenged the order

of the Disciplinary Authority and the Appellate Authority by the instant petition.

It appears, on hearing the learned counsel for the parties, that there is no scope for interference with the impugned orders in exercise of the writ jurisdiction. The petitioner was admittedly unauthorizedly absent from duty for a long period, though he was holding a job that carries several responsibilities. The petitioner refused to accept the notice that was sought to be served on the petitioner by a Bailiff on 7.11.2002, after noting its contents. The Disciplinary Authority found, after conducting the inquiry, that the charge of unauthorized absence was proved against the petitioner. The petitioner did not challenge the order of the Disciplinary Authority for more than seven years. The case of the petitioner that, at the relevant time, he was under the influence of black-magic and witchcraft and, therefore, his behaviour was not normal and within his control, was not accepted by the Disciplinary Authority or the Appellate Authority. The orders of the Disciplinary Authority and the Appellate Authority appear to be are just and proper.

In the result, the writ petition fails and is dismissed, with no order as to costs.

JUDGE

JUDGE