

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION NO. 39167 OF 2014

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ORDER:

None appears for the petitioner.

The petitioner herein while working as clerk-cum-cashier with the State Bank of India has been proceeded against as a measure of discipline for the acts of misdemeanor which were transformed into a charge-sheet drawn on 08.11.2006 against him. The Disciplinary Authority through his proceedings dated 17.11.2007 has imposed the punishment of dismissal from service. The petitioner has preferred in appeal there against on 19.12.2007 and followed it up on 11.04.2008. The Appellate Authority by his order dated 22.05.2008 has rejected the appeal, as he did not find any merit therein. This writ petition came to be instituted in this Court on 19.12.2014, i.e more than 7 years after the Disciplinary Authority imposed the punishment of dismissal and 6 ½ years later to the date on which the appeal preferred there against has been rejected by the Appellate Authority. Though, a lengthy affidavit running to several pages has been drawn, in support of this writ petition, no effort has been made as to how the writ petition should be entertained after lapse of so many years of accruing the cause of action. For sheer failure to explain the delay and latches, this writ petition deserves to be dismissed.

This apart, the inspiration for filing this writ petition appears to be the acquittal granted by the learned Judicial Magistrate of First Class, Mulug Town in the criminal case launched against him on 10.12.2013 and 31.12.2013 respectively in Calendar Case No.229 of 2005 and Calendar Case No.258 of 2005. The learned Judicial Magistrate in his judgment dated 10.12.2013 in C.C.No.229 of 2005 has clearly recorded that the prosecution has failed to prove the guilt of the

accused for the offences charged beyond all reasonable doubt. Similarly, in the judgment rendered in C.C.No.258 of 2005 also, the benefit of doubt has been extended in favour of the accused, as is the normal norm adopted by a criminal court. It is settled principle of law that the standard of proof required for securing conviction in a criminal court is proof beyond all reasonable doubt, whereas, in proceedings of civil consequences, it is the preponderance of probability, but not necessary proof beyond all reasonable doubt is the criteria. Therefore, the acquittal accorded by a Criminal Court in the post termination of service period based upon the theory of benefit of doubt to be extended in favour of the accused cannot enure to the benefit of the writ petitioner.

Hence, for the aforesaid reasons, the present writ petition is dismissed, but however without costs.

Consequently, miscellaneous applications pending shall also stand dismissed.

JUSTICE NOOTY RAMAMOHANA RAO

19.01.2015
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