

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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**CWP No. 13210 of 2003 (O&M)
Date of decision: 08.08.2016**

Dev Raj Teller

.... Petitioner

Versus

State Bank of India and others

.... Respondents

CORAM: Hon'ble Mr. Justice P.B. Bajanthri

Present: Mr. Harit Sharma, Advocate for the petitioner.

Mr. Vikas Chatrath, Advocate for the respondents.

P.B. Bajanthri, J. (Oral)

In the present writ petition, the petitioner has questioned the order dated 29.08.2003 by which his services have been dismissed. Parallel proceedings were initiated against the petitioner. In the criminal proceedings he has been acquitted whereas in the disciplinary proceedings he has been punished by imposing penalty of dismissal from service. Against the order dated 29.08.2003 petitioner has statutory remedy to appellate authority. The same has not be exhausted. On 28.01.2008, this Court while admitting the petition observed that “Admitted, subject to preliminary objections raised by the respondents”. Even though petition is admitted. Such admission is an conditional one. Therefore, without exhausting the remedy of appeal under statutory provisions writ petition is

premature. The same cannot be entertained. It is true that petitioner has approached this Court challenging the order dated 29.08.2003 in the year 2003 itself. However, from 2003 to 2016 i.e. from the date of filing of this writ petition and till disposal, period shall be excluded for the purpose of delay/limitation by the appellate authority. Petitioner is directed to file appeal and application for condonation of delay within a period of one month from today. Delay application shall be considered by the appellate authority sympathetically and to decide the appeal on merit within a period of 3 months from the date of receipt of the petitioner's appeal and application for condonation of delay in filing appeal for the reasons that the petitioner is out of service from 29.08.2003.

CWP stands disposed of.

08.08.2016

pooja saini

**(P.B.BAJANTHRI)
JUDGE**

Whether speaking/reasons

Yes/No

Whether Reportable:

Yes/No