

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

222

**CWP-17882-2013 (O&M)
Date of decision: 29.07.2016**

Balwinder Singh

....Petitioner

Versus

State Bank of India and others

.... Respondents

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

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

Mr. A.K.Ahuja, Advocate for the respondent-Bank.

P.B. Bajanthri, J.(Oral)

In the present writ petition, the petitioner has questioned the order dated 11.07.2007 by which he has been removed from service and also communication dated 03.07.2012 issued by the Regional Manager, State Bank of India.

2. Petitioner was subjected to disciplinary proceedings by framing 4 charges on 19.09.2005. The Inquiring Officer while submitting his report, has held that except charge No. 4 rest of the charges were proved. Thereafter, formalities of issuance of show cause notice and obtaining reply was completed and on 11.07.2007 respondent imposed the penalty of removal from service. Arising out of the charges framed in the disciplinary proceedings, was the subject matter before the criminal proceedings. In the criminal proceedings, the petitioner is stated to have been acquitted on

23.12.2011. The petitioner did not pursue the order of removal from service dated 11.07.2007 like appeal and other remedies on the score that criminal proceedings is pending consideration as on 11.07.2007. As soon as he was acquitted in the criminal proceedings on 23.12.2011 instead of filing appeal against the removal order dated 11.07.2007, he is stated to have filed mercy petition before the high authorities of the respondent. Same was not considered since under the service rules there is no provision. This court while issuing notice of motion observed that if the petitioner files an appeal, same shall be taken into consideration. Learned counsel for the petitioner submitted that petitioner has filed appeal as well as formal application for condonation of delay.

3. In view of these facts and circumstances, the appellate authority is directed to consider the appeal while condoning the delay sympathetically since delay in filing the appeal is not an intentional one as is evident from the documents that he was awaiting for final decision in the criminal proceedings. If the appeal is not accompanied by application for condonation of delay the petitioner is permitted to file application for condonation of delay. The same shall be considered by the appellate authority within a period of 4 months from today.

4. Disposed of.

29.07.2016

pooja saini

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

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No