

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 792 OF 2017
(Bhaurao Govind Bambode Vs. Forest Development
Corporation of Maharashtra Ltd., through its Managing
Director and others)

Mr. Milind K. Deshpande, Advocate for the Petitioner

CORAM : V.M. KANADE AND
SANGITRAO S. PATIL, JJ.

DATE : 23rd January, 2017

PER COURT :

Heard the learned counsel for the petitioner.

2. The petitioner was employed as a Forest Guard. He, however, remained absent for a period of more than four years. The respondents, therefore, initiated the departmental enquiry against him. In the departmental enquiry, though he initially appeared, lateron, he did not take part in the said enquiry. Therefore, the charges levelled against him were held to be proved. The petitioner was thereafter terminated from service.

3. The petitioner had an alternate remedy of filing an appeal within 45 days. He, however, filed the appeal almost after two years from the date of his termination. The Appellate Authority came to the conclusion, taking into consideration conduct of the petitioner, that there was delay of two years which was not properly explained and therefore, dismissed the appeal.

4. The learned counsel appearing on behalf of the petitioner tried to persuade us in every possible way to take a sympathetic view and condone the delay caused in filing the appeal before the Appellate Authority.

5. We find that the petitioner has not been diligent in working as a Forest Guard since he remained absent for more than four years without giving any explanation in writing to the Department as to whether he was on leave or had taken appropriate sanction before proceeding on leave. Thereafter also, he did not participate in the departmental proceedings. Even after the order of termination, he filed the appeal against it

after two years. Thereafter also, he approached this Court after one year and seven months. The petitioner has not been diligent either in performing his duties or in approaching the Appellate Forum or this Court in time. We are, therefore, of the considered view that the Appellate Authority was justified in dismissing the appeal of the petitioner on that ground.

6. The petitioner is now 62 years of age and has already attained the age of superannuation.

7. The learned counsel appearing on behalf of the petitioner then submitted that a sympathetic view may be taken in favour of the petitioner and the Appellate Authority may be directed to decide the case afresh on merits after condoning the delay.

8. We are not inclined to accept the submissions made by the learned counsel for the petitioner taking into consideration the deplorable conduct of the petitioner in not attending his duty/office for more

than four years, which fact has been established in the departmental proceeding. Viewed from any angle, even if the delay is condoned, no good purpose would be served. In the circumstances, we do not find substance in the Writ Petition. It stands dismissed. No costs.

[SANGITRAO S. PATIL]
JUDGE

[V.M. KANADE]
JUDGE

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