

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 8064 OF 2017

Mr. Harishkumar R. Ghusar ...Petitioner
Versus
Reserve Sub-Inspector of Police & Ors. ...Respondents

Mr. Shivshankar D. Patil for Petitioner.
Mr. Rajan Pawar - AAGP for the Respondents No. 1 to 3 - State.

**CORAM : SMT. V. K. TAHILRAMANI, Acting C.J. &
M. S. SONAK, J.**

DATE : 27th FEBRUARY 2018

ORAL JUDGMENT : (Per : SMT. V. K. TAHILRAMANI, Acting C.J.)

1] Heard the learned counsel for the petitioner and the learned AGP for all the respondents.

2] Rule. By consent, the Rule is made returnable forthwith and the matter is heard finally.

3] This writ petition has been preferred against the order passed by Maharashtra Administrative Tribunal dated 12th August 2003 by which the OA preferred by the petitioner came to be dismissed.

4] The petitioner was a police constable. The petitioner was escorting one criminal i.e. Pasha. However, the said criminal Pasha escaped from the custody of the petitioner and the DE was conducted and after DE the petitioner came to be dismissed.

5] In the said OA the order of dismissal which was passed after conducting DE was challenged and as stated earlier, the said OA

came to be dismissed on 12th August 2003. This petition has been preferred in the year 2017 i.e. 14 years after the order passed by the Tribunal. On query made by the Court relating to delay, the learned counsel for the petitioner submitted that the order of acquittal was passed by the Court in the year 2006, hence, the petitioner has preferred the writ petition thereafter as the petitioner was acquitted in the very same case on which the DE was based. Even assuming this is so, from 2006 to 2017 is a period of 11 years and there is absolutely no explanation and no plausible reason has been stated in the petition for the said delay. In our view, the petition suffers from inordinate delay and laches. On this ground alone, we are not inclined to entertain the present petition. Rule is discharged.

(M.S. SONAK, J.)

(ACTING CHIEF JUSTICE)

CHANDKA