

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6937 OF 2015

Shri Vishnu Ramkrishna Lele ... Petitioner

Versus

The Chairman and Managing Director & Anr. ... Respondents

Mr. A. S. Rao I/by S. P. Saxena for Petitioner.
None for the Respondents.

**CORAM : SHANTANU S. KEMKAR AND
NITIN W. SAMBRE, JJ.**

DATE : JUNE 4, 2018

P.C.

. Heard the learned Counsel for the Petitioner on the question of admission.

2. Briefly stated, the Petitioner was working on the post of Inspector at the Solapur office of the Respondent. On account of alleged misconduct, after issuing chargesheet and holding Departmental Enquiry against him, as he was found guilty of the misconduct, he was dismissed from the service vide order dated 10th February 1997. The said order was affirmed in Appeal and thereafter also by the dismissal of Memorial

preferred by the Petitioner vide order dated 31st July, 1997 (Annexure – H).

3. After the said orders being passed and had attained finality the Petitioner had filed an application on 4th March 2008 to the General Manager (Personnel) for considering his case for compassionate allowance payment. According to the Petitioner, the said Application has not been considered and no orders have been passed by the Respondent on it as yet. In the circumstances, the Petitioner has filed this Petition seeking quashment and setting aside of the order dated 10th February 1997 and 31st July 1997 which in fact has nothing to do with the application for grant of compassionate allowance. The prayer has also been made to direct the Respondents to grant compassionate allowance to the Petitioner from the date when he was removed from the service.

4. It is not in dispute that the order dated 10th February 1997 and 31st July 1997 have attained finality as no challenge to it was ever made till filing of this Petition in the year 2015. On 4th March 2008 i.e. after about 11 years of passing of his dismissal order the Petitioner had submitted an application to the General Manager (Personnel) for considering his case for compassionate allowance payment. It is to be noted that even the copy of the said application dated 4th March 2008 has not been placed on record of this Petition by the Petitioner. Be that as it may, even thereafter the

Petitioner did not file the Petition and slept over the said application for about 7 years and filed this Petition only in the year 2015 without explaining the delay in filing the Petition.

5. In the circumstances, on the ground of inordinate delay and laches on the part of the Petitioner, we are of the considered view that the Writ Petition being filed belatedly the same deserves to be dismissed on this ground alone.

6. The Writ Petition stands dismissed accordingly.

(NITIN W. SAMBRE, J.)

(SHANTANU KEMKAR, J.)