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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO. 519 OF 2017

A.P.Anand

...Petitioner

VS

Union of India & Anr.

...Respondents

.....

Mr P.V.Dhopatkar for the Petitioner

Mr P.M.Palshikar i/b Dushyant Kumar for Respondent Nos.1
and 2.

.....

**CORAM : R.M.BORDE &
R.G.KETKAR, JJ.
JANUARY 29, 2018.**

P.C. :

The Petitioner is objecting to the order of dismissal passed way back in 1992. The order of dismissal has been recorded against the Petitioner after conducting the due inquiry and extending an opportunity of hearing to the Petitioner by the employer during the departmental proceedings. The Petitioner claims that he presented the Revision Petition challenging the order in the departmental proceedings. However, it remained pending for 22 years. During the period of 22 years, there is no record to indicate that the Petitioner has taken any steps. The

Petitioner approached this Court by presenting Writ Petition No.1102 of 2013 raising challenge to the order of termination issued in the year 1992. The reply was presented objecting to the contentions raised in the Writ Petition and thereafter the Petitioner requested the Court seeking permission to withdraw the Writ Petition with liberty to file the fresh Writ Petition. The request was accepted and the Writ Petition was disposed of as withdrawn with liberty to Petitioner to file the representation. The Petitioner in pursuance to the liberty granted to him tendered representation to the Appointing Authority, which was also considered and has been rejected on 25.10.2016. While rejecting the representation it is observed by the concerned authority that the contention of the Petitioner that he had tendered the Revision Petition challenging the order of the termination is misleading. In fact no such Revision Petition is tenable. It is curious to observe as to how the Petitioner remained a mute spectator for over 22 years although according to him revision petition was not decided. It is further recorded in the order passed by the Authority that the Petitioner was afforded reasonable opportunities to defend himself but he did not participate in the enquiry proceedings despite receipt of notices

by him during the inquiry proceedings. The Petitioner has not brought out any new evidence requiring, re-assessment of the case. The points raised in the representation were considered and the same has been turned down. We do not find any error in the procedure adopted by the Respondents in conducting the inquiry and awarding the punishment against the employee. It is also not contention of the Petitioner nor it is demonstrated that the principle of natural justice have not been adhered to while conducting the inquiry proceedings.

2 In view of the above, we do not find any reason to entertain the Petition challenging the order of termination issued in 1992 after lapse of more than 25 years. The Petition is devoid of substance and stands rejected. No order as to costs.

(R.G.KETKAR, J.)

(R.M.BORDE, J.)