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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ LPA 370/2018

K.N AITHAL

..... Appellant

Through Mr. Mohd. Sajid, Advocate.

versus

CANARA BANK & ANR

..... Respondents

Through Mr. Jasbir Bidhuri, Advocate.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

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16.07.2018

CM APPL 27623/2018 (exemption)

Exemption allowed, subject to all just exception.

The application stands disposed of.

LPA 370/2018

Challenge in this appeal is to the order dated 05.04.2018 passed by learned Single Judge of this Court by which a writ petition filed by the appellant herein has been dismissed.

The appellant was dismissed from service in the year 2009. Admittedly, the order of dismissal from service has attained finality. Since, the leave encashment of the appellant was not released in view of Regulation 38 of Canara Bank (Officers') Service Regulations, 1979, the appellant instituted a writ petition in the year 2017.

Learned counsel for the appellant submits that the aforesaid regulation is arbitrary and discriminatory. He also submits that no such regulation is available in the CCS rules.

We have heard learned counsel for the appellant. Having regard to the fact that the appellant was dismissed from service in the year 2009, we are of the view that the writ petition instituted in the year 2017 cannot be entertained on the ground of delays and latches. We also find that during the period when the appellant was in service, he did not challenge the Regulation 38 but has decided to challenge the same in the year 2017. Even otherwise, we find no infirmity in the order dated 05.04.2018 passed by learned Single Judge. The appeal is devoid of any merit. The same is accordingly dismissed.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

JULY 16, 2018

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