

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO.1311 OF 2019**

1. Devsingh Markam S/o Late Chaithram Aged About 62 Years R/o Devrikhurd, Police Station -Torwa, District Bilaspur Chhattisgarh.

...Petitioner(s)**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Schedule Tribe Commission, Mahanadi bhawan, Naya Raipur Chhattisgarh.
2. Research Officer, Through National Commission For Schedule Tribe, Territorial Office, Raipur District Raipur Chhattisgarh.
3. General Manager Through Union Bank Of India (Hr), Union Bhawan, 239 Vidhan Bhawan Marg, Nariman Point, Mumbai 400021.
4. Assistant General Manager (Ir) Through Union Bank Of India Union Bhawan, 239 Vidhan Bhawan Marg, Nariman Point, Mumbai -400021.

... Respondent(s)

For Petitioner	:	Shri Govind Dewangan, Advocate.
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For Respondent-State	:	Shri Rahul Mishra, Dy. Govt. Advocate.
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Hon'ble Shri Justice P. Sam Koshy**Order on Board****26.02.2019**

1. The challenge in this petition is to the order dated 11.04.2017 (Annexure P/1). Vide the said order, the respondent No.4 has rejected the representation of the petitioner.
2. The facts of the case in nutshell is that, the petitioner working as an officer of the Union Bank of India is said to have granted loan to Shri Dhanesh Gaikwad and Shri Narottam Gaikwad while being posted as Branch Head of Dhamtari Branch of Union Bank of India. From the record it appears that the petitioner was subsequently prosecuted in a criminal case for allegedly having wrongly granted loan to Shri Dhanesh Gaikwad and Shri Narottam Gaikwad.

However, vide judgment dated 31.05.2013, the Chief Judicial Magistrate, Kanker has acquitted the petitioner of the criminal case. Subsequently, the petitioner is said to have moved an application with the respondent Bank seeking for release of legal and financial support which is envisaged in the scheme of the respondent-Bank wherein the Bank has taken a policy decision extending legal and financial support to executives/officers/retired officers of the Union Bank of India against whom motivated false complaint has been made by people/agencies outside the Bank. This representation of the petitioner stood rejected vide the impugned order which has led to filing of the present writ petition.

3. Prima facie this court is of the opinion that the present writ petition should not had been entertained by the Legal Aid Department for the reason that the petitioner's status shown is that of a retired senior level officer of the Union Bank of India. Moreover, the petitioner's permanent resident is shown to be that of Bilaspur. The petitioner, if could not engage a Lawyer, could have personally contested the case by filing a writ petition. It is not a case where the petitioner does not have sufficient means or knowledge for ventilating his grievances forcing him for getting the writ petition filed through the Legal Aid Department.
4. So far as merits of the case is concerned, the petitioner has not been able to show that the criminal case that was registered against him was a motivated false complaint or a case filed by people/agency outside the Bank. The petitioner has also not

produced a copy of FIR nor has he enclosed the judgment of acquittal by which the nature of the case could have been assessed.

5. Another aspect which cannot be lost sight of is that, the claim of the petitioner stood rejected vide order dated 11.04.2017 and the present writ petition has been filed after about more than two years. No plausible explanation has been given for not filing the petition within a reasonable time. Another aspect which also has to be borne in mind is that, for the alleged transaction of granting loan to Dhanesh Gaikwad and Narottam Gaikwad, the petitioner was subjected to disciplinary proceedings and the said proceedings culminated in punishment of censor being imposed by the department which has not been questioned by the petitioner and the same, in due course of time, has attained finality.
6. Moreover, from the perusal of records and also on a query being put to counsel for the petitioner, he has not been able to show as to on what basis the petitioner had requested for release of Rs.2,46,880/- by way of a legal and financial support as is enshrined in the scheme framed by the respondent-Union Bank of India.
7. For all the aforesaid reasons, this court does not find any strong case made out by the petitioner for grant of the relief sought for under writ jurisdiction. The writ petition fails and is accordingly dismissed.

Sd/-

(P. Sam Koshy)
Judge