

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Civil Writ Petition No. 2768 of 2016(O&M)
Date of Decision : 10.09.2019

Churia Ram

... Petitioner

versus

Oriental Bank of Commerce & Ors.

... Respondents

CORAM:-HON'BLE MR. JUSTICE ARUN MONGA

Present: Ms. Sonia, Advocate
for the petitioner.

Mr. R.N. Lohan, Advocate
for respondents No.1 to 3.

ARUN MONGA, J(ORAL)

1. Impugned herein, *inter alia*, is an order dated 24.08.2010(Annexure P-4) passed by the competent disciplinary authority vide which the petitioner was compulsory retired from service while he was serving as an Officer in the respondent Bank. The said order was appealed against by the petitioner, but the Appellate Authority upheld the same vide its order dated 08.12.2010 (Annexure P-5), which is also under challenge in this writ petition.

2. Having heard the rival contentions and on perusal of the pleadings and record of the case, I am of the view that writ petition suffers from vice of delay and laches and no explanation, let alone, any plausible one has been rendered qua the delay either in the writ petition or during course of arguments. The petitioner is challenging the punishment order dated 24.08.2010 imposing the punishment of compulsory retirement by the disciplinary authority as per Discipline and Appeal Regulations of the Bank which was upheld by the Appellate Authority vide order dated 08.12.2010(Annexure P-5) and even the review petition

dated 02.05.2011 filed by the petitioner was dismissed by the Reviewing Authority vide order dated 31.05.2011(Annexure P-6). The said punishment has virtually become final and at this belated stage, a writ petition challenging the same, cannot be allowed.

3. Even otherwise, present writ petition is hit by principles of constructive *resjudicata*. The petitioner had earlier filed a writ petition bearing CWP No. 15996 of 2015 which was disposed of by this Court vide order dated 05.08.2015(Annexure P-11). The relief claimed in the said writ petition was about monetary dues from the Bank. This Court had directed the Bank to release his dues, if any, within a period of six weeks. That order was stated to be complied by the Bank. The punishment order was not challenged by the petitioner in earlier round of litigation and the same cannot be questioned now, since the same has attained finality with efflux of time.

4. That apart, record shows that the disciplinary authority has thread-barely discussed the enquiry report vide which the petitioner was indicted vis-a-vis objections of the petitioner filed qua the said report. Having perused the said order, even on merits, I am of the view that no interference is called for in exercise of extra ordinary writ jurisdiction vested under Article 226 of the Constitution of India.

5. In view of the discussion above and the reasons contained therein, writ petition is dismissed.

6. No order as to costs.

(ARUN MONGA)
JUDGE

10.09.2019

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| 1. | Whether speaking/ reasoned: | Yes/ No |
| 2. | Whether reportable: | Yes/ No |