

Paritosh Sharma
-vs.-
Central Bank of India & Ors.

Mr. Malay Dhar
Mr. Biswajit Sarkar

... for the petitioner

Mr. Bishwambhar Jha

... for the respondent Bank

It is submitted that the petitioner was dismissed from service by the Central Bank of India vide order dated 26.04.2016.

The allegations against the petitioner were inter alia defalcation of funds and hence constituting moral turpitude despite whereof, the petitioner prayed for gratuity. Upon being refused by the Central Bank of India, the petitioner moved the Controlling Authority under Payment of Gratuity Act, 1972. The Controlling Authority allowed the petitioner's prayer for gratuity by order dated 27.04.2018 and the gratuity has been paid.

The petitioner in the instant writ application seeks a direction upon the appellate authority to consider his appeal against the final order of dismissal after condoning the delay of four years.

This court notes that by reason of receiving gratuity and his own contribution to Provident Fund, the petitioner has accepted and acted upon the final order of punishment imposed by the Bank.

The question of any further appeal from the final order, therefore, does not arise. The appeal is therefore a mere afterthought.

Learned counsel for the Bank relies upon an unreported decision of a Coordinated Bench of this court dated 24.01.2018 passed in W.P. 30108(W)/2017 [Pratap Roy vs. KMDA] which has taken a similar view.

For the reasons already stated hereinabove, the writ petitioner is not entitled to prefer any appeal from the final order of dismissal and hence the instant writ application stands **dismissed**, however, without any order as to costs.

Urgent certified photostat copy of this order, if applied for, shall be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Rajasekhar Mantha, J.)