



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **05.10.2021**

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P(MD)No.16867 of 2021

R.Murugesan

... Petitioner

Vs.

1.The Regional Manager,
Central Bank of India,
Regional Office,
No.39/40, Work Shop Road,
Madurai - 625 001.

2.The Branch Manager,
Central Bank of India,
Muthulapuram Branch (Code No.2647),
Theni District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records relating to the impugned order of dismissal by the 1st respondent in his proceedings in R.O/STAFF/DAD/97-98/1835, dated 19.01.1998 and quash the same.

For Petitioner : Mr.S.Ramasamy

For Respondents : Mr.N.Dilip Kumar(Standing Counsel)

ORDER

This Writ Petition has been filed challenging the impugned order passed by the second respondent dated 19.01.1998.

2. According to the petitioner, he was joined in the second respondent bank as a Peon and while he was working in the second respondent bank, a criminal case was registered against the petitioner in Crime No.11/1997, for the offences under Sections 468, 471 and 409 of IPC and the same was taken on file in C.C.No.542 of 2012 by the learned Judicial Magistrate, Theni. Hence, the petitioner was dismissed from service by the first respondent vide impugned dismissal order dated 19.01.1998. After full fledged trial, the trial Court acquitted the petitioner from all the charges by judgment dated 27.02.2019. Thereafter, the petitioner made a representation on 29.04.2019, requesting the respondent to revoke the order of suspension by citing the judgment of acquittal by the trial Court. The grievance of the petitioner is that though he was acquitted from the criminal case, the second respondent has not revoked the order of suspension. Hence, the petitioner has filed this Writ Petition.



3. Heard the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondent bank.

4. On a perusal of the impugned order, it is seen that the first respondent has passed the impugned dismissal order as early as on 19.01.1998. As against the said order, the petitioner has not preferred any appeal. Now, after the period of 23 years, the petitioner has filed this Writ Petition, challenging the said impugned order of dismissal.

5. The Hon'ble Supreme Court in the case of ***the Regional Manager, A.P SRTC Vs. N.Sathyanarayana and others*** reported in **2008 (1) SCC 210**, has held as follows:

"10. Even a bare reading of paragraph-18 of the judgment on which reliance has been placed by the learned Single Judge and the Division Bench, it is clear that the relief was moulded to avoid anomalies and in view of the peculiar situation involved. This Court categorically held that the orders impugned in the appeals were not sustainable because the writ petitions were filed after a long lapse of time. Similar is the position here. The regularization was done w.e.f. 1.8.1987 and the writ petitions were filed in the year 1999. That being so and since in the writ petition without any explanation has been offered for the delayed approach, writ petition should have been dismissed on the ground of delay and laches."

6. In the light of the said judgment, this Court is of the view that after a period of 23 years the petitioner cannot challenge the impugned order of dismissal passed by the first respondent dated 19.01.1998. Hence, this Writ Petition is liable to be rejected on the ground of delay and laches.

In fine, this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS-III)

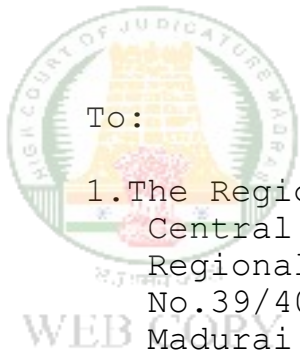
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/ /2021

Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To:

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Theni District.

+1 CC to M/s.N.DILIPKUMAR, Advocate (SR-31248[F] dated 05/10/2021)

+1 CC to M/s.N.DILIPKUMAR, Advocate (SR-31410[F] dated 06/10/2021)

W.P (MD) No.16867 of 2021
05.10.2021

KS (CO)

KB (01.11.2021) 3P 5C