

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5359 of 2021

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Shashi Kumar Singh S/O Surya Narayan Singh, resident at Mohalla - Amgola,
Pankhatoli, Barahitola, P.O. Ramna, P.S. - Kazimohammadpur, District -
Muzaffarpur.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Department for Promotion of Industry and Internal Trade, Department of Industrial Policy and Promotion, Govt. of India, New Delhi.
2. The Bank of India A body Corporate duly constituted under the Banking companies Act, 1970 having its Head Office at Star House C-5 G Block, Bandra - Kurla-Complex Bandar (East), Mumbai - 400051 represented through the Chairman-cum-Managing Director.
3. The Chairman Cum Managing Director, Bank of India, Star House C-5 G Block, Bandra - Kurla-Complex Bandra (East), Mumbai, (Maharashtra).
4. The General Manager-cum-Appellate Authority, Bank of India, NBG (West)-II, Mumbai.
5. The General Manager, Bank of India, Pali Branch, Raigad Zone, National Banking Group (West-I), 2nd Floor, Bank of India Building, 70/80, M.G. Road, Fort-Mumbai- 400001.
6. The General Manager, Bank of India, Head Office, Human Resources Department, C-5, G Block BKC, Bandra Kurla Complex, Bandra East, Mumbai, Maharashtra.
7. The Zonal Manager, Raigad Zone, 2nd Floor, Hotel Meeramadhav Building, Opp. S.T. Stand, Alibag, Raigad, (Maharashtra).
8. The Dy. Zonal Manager, Raigad Zone, H.R. Department, Maharashtra.
9. The Branch Manager, Tala Branch, 1st Floor Deshmukh Complex, Bazarpeth Tala, Raigad.
10. The Branch Manager, Pali Branch.
11. The General Secretary, Staff Union, Bank of India, Mumbai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Chandra Shekhar Anand
For the Respondent/s : Dr.K.N.Singh (Asg)

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 03-02-2022



The matter is heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. In the instant petition, petitioner has prayed for the following relief/reliefs:

“That, this is an application for issuance of writ/writs, direction/directions to the respondents to quash the order dated 01.02.2016 issued under the signature of Zonal Manager, Bank of India, Raigad Zone, vide its Ref. No. - RZO/HR/AM/3045, by whereby and where under the petitioner has been terminated from the post of Staff Clerk on the basis of false and fabricated allegation and without following the proper rule and regulations.

(a) For issuance of writ/writs, direction/directions upon the respondents to reinstate the petitioner in his service with all the consequential benefits from the date of termination, if the petitioner is found entitled by the Hon’ble Court.

(b) For any other relief/relief(s) for which the petitioner is found entitled by the Hon’ble Court.”

3. The petitioner has not exhausted the remedy of appeal before the Appellate Authority. That apart there is a delay and laches for about six years in presenting the present petition. In the light of Apex Court decision in the case of ***Mani Subrat Jain V. State of Haryana*** reported in ***(1977) 1 SCC 486*** in not exhausting the remedy of appeal, the present petition cannot be entertained. Further on the ground of delay and laches, the present case is squarely covered by the Apex Court decision in the case of in the case of ***State of Jammu and Kashmir V/s. R.K.Zalpuri and others*** reported in **AIR 2016 SC 3006, Paragraph-20** which is held as under:



“20. Having stated thus, it is useful to refer to a passage from City and Industrial Development Corporation V/s.Dosu Aardeshir Bhiwandiwalla and others {(2009) 1 SCC 168}, wherein this Court while dwelling upon jurisdiction under Article 226 of the Constitution, has expressed thus:-

“The Court while exercising its jurisdiction under Article 226 is duty-bound to consider whether:

(a) Adjudication of writ petition involves any complex and disputed question of facts and whether they can be satisfactorily resolved;

(b) The petition reveals all material facts;

(c) The petitioner has any alternative or effective remedy for the resolution of the dispute;

(d) Person invoking the jurisdiction is guilty of unexplained delay and laches;

(e) Ex facie barred by any laws of limitation;

(f) Grant of relief is against public policy or barred by any valid law; and host of other factors”

4. In the light of aforesaid decisions of the Apex Court, the present petition stands dismissed on the ground of not exhausting the remedy of appeal and so also on the ground of delay and laches.

5. At this juncture, learned counsel for the petitioner submitted that petitioner has already invoked remedy of appeal before the Appellate Authority and the Appellate Authority has not taken any decision on his appeal dated 29.04.2020. If it is so, the Appellate Authority is hereby directed to decide petitioner's



appeal dated 29.04.2020 within a period of three months from the date of receipt of this order both on delay and laches.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

