

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 4520/2022

(DADARAO MUKUNDRAO GAWAI **VERSUS** SPECIAL DIRECTOR GENERAL OF POLICE, JAMMU & OTHERS)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Shri N.S. Warulkar, counsel for the petitioner.

CORAM : A. S. CHANDURKAR AND URMILA JOSHI-PHALKE, JJ.

DATE : AUGUST 03, 2022.

The petitioner was appointed as a Constable with the Central Reserve Police Force on 01.02.1979. When he was posted as Hawaldar he had availed earned leave from 14.06.2004 to 10.07.2004. On expiry of the aforesaid period of earned leave, the petitioner did not report back to the duty and hence an enquiry was held against him for unauthorized absence. After the enquiry the petitioner was dismissed from services from 14.11.2005. It is the case of the petitioner that he received the show cause notice as well as the charge-sheet after the order of dismissal came to be passed. After the order of dismissal dated 14.11.2005, the petitioner preferred an appeal alongwith an application for condonation of delay. Those proceedings were dismissed on 11.07.2007 on the ground that the appeal as preferred was time barred and the delay was not liable to be condoned. This order passed on 11.07.2007 was subjected to further challenge by filing a revision application under Rule 29 of the Central Reserve Police Force Rules, 1955 (for short, 'the Rules of 1955'). There was delay of about fourteen years and three months in preferring the revision application. On that count, on 18.02.2022 the said proceedings were dismissed. Thereafter the petitioner has filed a revision application and that has also been dismissed on 08.06.2022.

Heard the learned counsel and perused the impugned order. We find that after the appeal preferred by the petitioner under Rule 28 of the Rules of 1955 was dismissed on 11.07.2007 there is a delay of almost fourteen years in seeking further remedy. We have not found any satisfactory explanation for the cause of aforesaid delay. Entertaining the present proceedings would result in reviving a stale and time barred claim. Though it is urged that copy of the charge-sheet was received by the petitioner after the order of dismissal, we do not find that this reason would be sufficient to overcome the long delay of fourteen years and three months. We do not find any reason to interfere with the impugned order.

The writ petition is therefore dismissed. No costs.

(URMILA JOSHI-PHALKE, J.)

(A. S. CHANDURKAR, J.)

APTE