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WPA 13220 of 2014

Sri Annada Prasad Ghosh
(Since deceased) represented by
Sabitri Ghosh & Ors.
-vs-
United Bank of India & Ors.

Mr. Chandan Dutta ... for the petitioner.

Petitioner was an employee of Durgapur Steel Plant who retired on 28th February, 1998.

It has been submitted by the learned advocate representing the petitioner that his employer issued a cheque in his favour being No. SA-373486 to the tune of Rs. 50,179/-. According to the petitioner, he deposited the cheque for crediting the aforesaid amount to his savings account on 10th January, 2005. Thereafter, petitioner on 28th October, 2013 went to the Bank to enquire whether the aforesaid amount was credited to the savings account of the petitioner when the bank authority issued computerised pass book in connection with the savings account of the petitioner. On receipt of computerised pass book in connection with the petitioner's savings account petitioner found that there was zero balance, then petitioner realised that the aforesaid amount relating to cheque being no. SA-373486 was not credited to the savings account. Petitioner prays for crediting the said amount to his savings account by the bank authorities.

However, no one is representing the Bank authorities.

Having heard the learned advocates representing the petitioner and perusing the writ petition it appears that after issuance of cheque on 26th November, 2004 by petitioner's employer in favour of the petitioner and depositing the cheque with the bank authorities on 10th January, 2005 no contemporaneous steps were taken by the petitioner on finding that the amount did not credit to his savings account. After 10th January, 2005 petitioner enquired by visiting the bank on 28th October, 2013 more than eight years after depositing the cheque as stated in paragraphs 4 and 7 of the writ petition. Why petitioner did not approach the bank after depositing the cheque on 10th January, 2005 within a reasonable period has not at all been explained in the writ petition. The entire issue hinges upon depositing of cheque with the bank authority and whether the amount was credited to his savings account or not. If the amount was found not to be credited to the savings account of the petitioner the petitioner was required to approach the bank contemporaneously which has not been done in the present case. Since the issue involved in this writ petition relates to factual aspect after lapse of more than eight years it may not be possible for the bank authority to collate the details relating to the savings account of the petitioner and the transactions which took place relating to the said savings account in the month of January 2005. It is also not known whether the bank authority has preserved the documents relating to the savings account of the petitioner concerning the bank transactions which took place in the month of January, 2005.

It is well settled that there is no period of limitation in approaching the Court with the writ petition but ordinarily the litigant should approach the Court within a reasonable period that is three years from the date of accrual of cause of action as it has been decided by the Apex Court reported in **2007 (9) SCC 278 (New Delhi Municipal Council –vs- Pan Singh & Ors.).**

In view of aforesaid discussion this Court does not find merit in the writ petition and accordingly the same stands dismissed.

However, there shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)