

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7918 of 2016

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Gopi Raman Dubey S/o Late Ram Raja Dubey resident of Nun Gola Pokhara , East of Nagar Thana Chowk, Hazipur, Distt. - Vashal

... .. Petitioner/s

Versus

1. Chairman Cum Managing Director Bank Of India, Head Office, Star House, Bandra Complex, Mumbai
2. The Regional Director, Bank of India, Veer Chand Patel Marge, Patna
3. The Zonal Manager, Bank of India, Patna Zone
4. The Chief Manager, Bank of India, Hazipur Branch, Rajendra Chawk, Bubna Center, Hazipur
5. The Branch Manager, Bank of India, Rajendra Chawk, Bubna Center, Hazipur

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Bijay Shankar Choubey, Advocate Mr. G.N. Ojha, Advocate
For the Respondent/s	:	Mr. Suresh Pd Singh No.1, Advocate Mr. Aditya Raj, Advocate Ms. Kumari Rashmi, Advocate

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 18-03-2025 Heard Learned Counsel for the petitioner and Learned Counsel for the Respondent-Bank.

2. The present writ petition has been filed in the nature of mandamus declaring the letter dated 22.07.2008 (annexed as Annexure-3) as illegal, arbitrary and against the principles of natural justice and further to direct the respondent authority to reinstate the petitioner in his duties.

3. Learned Counsel for the petitioner submits that the petitioner was working in Bank of India as Clerk and he was



rendering his services very satisfactorily. Counsel submits that when petitioner was posted at Hajipur Branch, then during his period, he was suffering from ill health and due to this sole reason, the Superior Authority of the Bank started humiliating and torturing the petitioner. The petitioner was getting treatment and was in hope to be cured very soon, but the respondent authorities were not ready to manage with the adverse circumstances of the petitioner and all time they started harassing him. Counsel further submits that during the period of his illness, petitioner has filed application on 13.02.2008 before the Superior Authority for taking voluntary retirement. Counsel submits that petitioner has filed another application on 06.04.2008 for withdrawl of his voluntary retirement application dated 13.02.2008. The same was forwarded by the Zonal Manager to the Branch Manager, Hajipur. Counsel submits that further due to fear of his Superior Authority, petitioner has filed fresh application for voluntary retirement to the authority concerned on 16.06.2008. After making this application, a letter dated 22.07.2008 was issued by the Zonal Manager, Patna Zone which was communicated to the petitioner by the Chief Manager, Hajipur Branch whereby and whereunder the voluntary retirement of the petitioner from Bank's service under



Regulation 29 of the BOI (Employees) Pension Regulation, 1995 was shown to be accepted due to his ill health (annexed as Annexure-3). Counsel further submits that when petitioner came to know about this, then he filed another application dated 27.07.2008 to recall the said letter of his voluntary retirement. Subsequently, petitioner wrote another letter on 17.11.2012, but no decision has been taken and his voluntary retirement became effective since 16.06.2008.

4. Learned Counsel for the petitioner further submits that petitioner wrote series of applications to the respondent authorities on various dates i.e. 28.06.2013, 14.01.2015, 13.03.2015, 04.05.2015, 15.07.2015, 31.08.2015, 07.11.2015 & 17.12.2015, but no decision has been taken. Thereafter, petitioner has moved before this Hon'ble Court and submits that his representation be directed to be disposed off in accordance with law.

5. Learned Counsel for the Respondent-Bank on the other hand submits that Annexure-4 is very much relevant for the present case by which it become clear that the petitioner has filed his application for voluntary retirement due to his illness which was accepted and retiral benefit has been allowed to him w.e.f. 2008 and thereafter, in 2016, petitioner has filed the



present writ petition and it is now 2025 when his representation is being heard finally.

6. In the light of the submissions made, it transpires to this Court that the petitioner himself accepts that he has filed the application for voluntary retirement which was accepted following the due process and retiral benefit has also been granted to him w.e.f. 2008 and thereafter, he moved before this Court in 2016 i.e. after lapse of about 8 years and presently on the date of final hearing, 2025 has come i.e. about 17 years have been crossed.

7. As such, this Court is not inclined to interfere in this matter and hence, no relief could be granted to the petitioner. Accordingly, the present writ petition is hereby dismissed.

(Dr. Anshuman, J)

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