

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.497 OF 2019

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Dhiren Mohanlal Thanki

...Petitioner

V/s.

CEO & Managing Director,
UCO Bank and Ors.

...Respondents

None for the Petitioner.

Mr.Ashok D. Shetty a/w Ms.Rita Joshi, Advocate for Respondent
Nos.1 to 6.

CORAM : S.M.MODAK AND
SANDEEP V. MARNE, JJ.

DATE : 25th MARCH 2026

P. C. :-

1. By the present Petition, the Petitioner challenges the order dated 22nd March 2014 passed by the Disciplinary Authority imposing the punishment of removal from service.
2. None has appeared on behalf of the Petitioner. The Petition was also listed on 24th March 2026, when also none had appeared on behalf of the Petitioner. We have heard Mr.Shetty, learned counsel appearing for the Respondents-Bank. He raises two preliminary objections about maintainability of the Petition.

3. Firstly, he submits that the Petitioner had alternate and equally efficacious remedy of filing departmental appeal against the order of removal which remedy he has not exhausted. Secondly, Mr.Shetty submits that the Petition suffers from gross delay and laches.

4. It seems that the impugned order is passed on 22nd March 2014. However, the present Petition is filed on 28th December 2018. In the entire Petition, there is no proper justification pleaded in respect of the delay. The only contention raised by the Petitioner for justifying the delay is that he was prosecuting the proceedings before the Special CBI Court and before the Controlling Authority under the Payment of Gratuity Act, 1972. The very fact of Petitioner prosecuting the proceeding before the Payment of Gratuity Authority would imply that the Petitioner was fighting for the consequential benefits arising out of the removal order dated 22nd March 2014. Pendency of criminal proceedings did not come in the way of the Petitioner challenging the order of removal from service. We are, therefore, not satisfied with the justification pleaded.

5. The Petitioner has also not availed the alternate remedy of filing a departmental appeal and has directly approached this Court with a grievance that he was not likely to get justice from the departmental

authority. The Petition is filed directly before this Court in order to circumvent the delay in filing the departmental appeal.

6. We are, therefore, not inclined to entertain the present Petition on both the grounds of delay and laches as well as non exhaustion of alternate remedy. The **Writ Petition is accordingly disposed of** without granting any relief in favour of the Petitioner.

(SANDEEP V. MARNE, J.)

(S.M.MODAK, J.)