

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.255 OF 2002

Shri Nani N. Fadte,
Sawanta Wada,
Amona,
Post Marcela, Goa

... PETITIONER

VERSUS

1. State of Goa,
through Chief Secretary,
Secretariat,
Panaji, Goa;
 2. Development Commissioner,
Government of Goa,
Secretariat,
Panaji, Goa;
 3. Chief Electrical Engineer,
Vidyut Bhavan, Opp.Police
Station,
Panaji, Goa
- ... RESPONDENTS.

Mr. R.V. Kamat, Advocate for the Petitioner.

Mr. V.P. Thali, Addl. Advocate General, with Ms.G.
Pednekar, Addl. Government Advocate, for the
Respondents.

**CORAM : S. RADHAKRISHNAN &
P.V. HARDAS, JJ.**

Dated : September 25, 2002.

ORAL ORDER (PER **S. RADHAKRISHNAN, J.**)

Heard the learned Counsel for the
Petitioner and the learned Addl. Advocate General
for the Respondents.

2. In the above, the Petitioner was dismissed from service by an Order passed by Respondent No.3 dated 19th October, 1988. Against it the Petitioner had filed an Appeal before the Development Commissioner, being the Appellate Authority, who declined to interfere and dismissed the Appeal by an Order dated 29th May, 1989.

3. The Petitioner along with 10 others were involved in misappropriation and defrauding the Government money. In the above, 9 persons including the Petitioner were found guilty and were dismissed from service. All the 10 persons including the Petitioner had preferred the Appeal before the Development Commissioner, appellate authority, who had rejected the Appeal as far as the Petitioner is concerned, on 29th May 1989. Four of the aforesaid 10 persons had preferred Appeals to the Central Administrative Tribunal, which had remanded back the matter to the Development Commissioner, who in turn, had remanded the matter back to the Disciplinary Authority. Out of the 10, another 3 persons, who had not approached the Central Administrative Tribunal, had preferred Writ Petitions before this Court and this Court had directed the Disciplinary Authority to take appropriate decision in the above matter.

4. As far as the present Petitioner is concerned, after the Appellate Authority being the Development Commissioner, passed the Order on 29th May, 1989, did not think it fit either to challenge before the Central Administrative Tribunal or before this Court. The Petitioner waited till the acquittal Order was passed on 26th July, 1999. Even thereafter, the Petitioner had not approached this Court and the Petitioner filed this Petition on 19th April, 2002. The Petition suffers from almost 13 years of delay and there is not even a whisper about the reasons for the aforesaid delay. Under these circumstances, we are not inclined to exercise our discretion under Article 226 of the Constitution of India in this matter.

5. Hence the Petition is dismissed.

S. RADHAKRISHNAN, J.

P.V. HARDAS, J.

ac.