

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY****NAGPUR BENCH, NAGPUR.****WRIT PETITION No.3936 OF 2001**

Janardan s/o Natthuji Dande and 12 others.

-Vrs.-

The State of Mah. Through Secretary, Urban Development and Public Health Department, Mantralaya, Mumbai 32 and others.

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

Court's or Judge's orders.

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Mr. Rao, AGP for respondents.

**CORAM : A.B. CHAUDHARI AND**

**P.N. DESHMUKH, JJ.**

**DATED : 23<sup>rd</sup> SEPTEMBER, 2015**

Counsel for the petitioners is absent. The prayer clause (i) of the petition reads thus -

(i) direct the respondents to grant the benefits of Vth Pay Commission to the petitioners along with all arrears thereof forthwith by way of issuing writ of mandamus or any other writ, order or direction.

Looking to the fact that the 7<sup>th</sup> Pay Commission is fast approaching and the petitioners had already retired from service when the petition was filed, we do not think that they had any cause of action for filing the writ petition for claiming salary in the 5<sup>th</sup> Pay Commission and at any rate the petition was filed too late i.e. almost after 7 years of their retirement from service for claiming salary in the 5<sup>th</sup> Pay Commission. The petition is, therefore, rejected.

**JUDGE**

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