

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 5093 OF 2015

Nandkishor Jivanrao Godbole

-vs-

Nagar Parishad, Arvi, Dist.Wardha, thr. Its Chief Officer and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Ms S. Dashputre, counsel for the petitioner.
Mr. D. B. Patel, AGP for the respondents.

CORAM : SMT. VASANTI A. NAIK &
A. I. S. CHEEMA, JJ.

DATE : 05.10.2015.

By this petition, the petitioner seeks a direction to the respondents to pay the difference in pay scale of a special teacher to the petitioner with effect from 26/12/2011.

According to the petitioner, though the petitioner is appointed as a special teacher and approval was also granted to his appointment on 26/12/2001, the respondents failed to pay the scale of special teacher to the petitioner from the date of his appointment. According to the petitioner, the said scale was granted by the respondents to the petitioner in the year 2009. It is stated that the petitioner would be entitled to the pay scale of the special teacher from the year 2001 and not from the year 2009.

The relief sought by the petitioner cannot be granted. The petition suffers from laches. If the petitioner was not granted proper pay scale from the year 2001, the petitioner ought to have approached this Court within a reasonable time. Even assuming that the cause of action in the instant case is a continuous one and that the petitioner could be entitled to the relief for a period of three years preceding the date of filing of the writ petition, the

petitioner would not be entitled to the said relief, as the petitioner is already receiving the pay scale that is sought, since the year 2009. There is no question of granting the relief in favour of the petitioner for the period of three years preceding the date of filing of the petition in the circumstances of the case. The petitioner claims the arrears from 2001 to 2009 and the same cannot be granted in a petition filed on 24/08/2015.

In the circumstances of the case, the writ petition is dismissed with no order as to costs.

JUDGE

JUDGE

KHUNTE