

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 8727 OF 2015

Shri Raghunath Shankar Shimpi ... Petitioner

V/s.

The Principal Secretary, Higher
and Technical Education,
State of Maharashtra & ors. ... Respondents

Mr. M.S. Topkar for the petitioner.
Mr. N.C. Walimbe, AGP for the State, respondents 1 to 3.

**CORAM : NARESH H. PATIL AND
PRAKASH D. NAIK, JJ.**

27th October, 2016.

P.C.

Heard learned Counsel for the petitioner and learned AGP for the State.

2. The petitioner claims benefit of 5th and 6th Pay Commission from 1996 and 2006 onwards. As the department failed to give him said benefit, petitioner admittedly approached Lok Aayukt, by filing a petition dated 6th February, 2006. The Dy. Director, Vocational Education and

Training, Mumbai submitted a reply dated 18th April, 2006. After perusal of the material placed before the Lok Aayukt, matter was disposed of by the Lok Aayukt by an order dated 7th June, 2013. The Lok Aayukt directed the Joint Director of Vocational Education and Training to look into the grievance of the petitioner, seek opinion of the State and thereafter communicate its decision to the petitioner. Copy of the order was also forwarded to the Joint Director.

3. The Counsel appearing for the petitioner submits that instead of waiting for the further steps and action on behalf of the Joint Director, the petitioner preferred to approach the Maharashtra Administrative Tribunal by filing an original application in the year 2014. The Misc. Application No. 642/2014 was filed for condonation of delay. By an order dated 9th June, 2015 the Tribunal rejected the application for condonation of delay and consequently dismissed the Original Application (st) No.1024/2014. The petitioner challenged the said order. We have heard the Counsel appearing for the petitioner and learned AGP for the State. We find that petitioner pursued his remedy before the Lok Aayukt from the year 2006 to 2014 and thereafter approached the Tribunal. It is not known as to why the petitioner did not pursue his remedy with the Joint Director under the orders passed by the Lok Aayukt. The petitioner ought to have

demonstrated the cause of action for approaching the Tribunal. The delay had to be explained properly. The Tribunal was not satisfied with the explanation tendered by the petitioner for condonation of delay. In the facts in exercise of writ jurisdiction we are not inclined to interfere with the order passed by the Tribunal, however, we observe that petitioner is at liberty to pursue his remedy with the Joint Director of Vocational Education and Training.

4. We do not express any opinion on the order passed by the Lok Aayukt. Petition is dismissed.

(PRAKASH D. NAIK, J.)

(NARESH H. PATIL, J.)

L.S. Panjwani, P.S.