

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 2773 OF 2012

Anil Govindrao Shelar

-vs-

The State of Maharashtra, thr.Department of Social Justice and Cultural and others,

WRIT PETITION NO. 2828 OF 2012

Mangesh Vishwanath Gajbhiye

-vs-

The State of Maharashtra, thr.its Secretary and others,

WRIT PETITION NO. 3117 OF 2012

Vishal Gangamuni Bhagat

-vs-

The State of Maharashtra, thr. Its Secretary and others

AND

WRIT PETITION NO. 3202 OF 2012

Maya Bhivaji Netare

-vs-

The State of Maharashtra, thr. Its Secretary and others

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

Court's or Judge's Orders.

 Mr.S.D.Deshpande, counsel for the petitioners.
 Mr. Ambarish Joshi, AGP for the respondent Nos.1, 1A and 2.
 Mr. P. D. Meghe, counsel for the respondent No.3.
 Mr. M. L. Vairagade, counsel for the respondent Nos.4 and 4A.

CORAM : SMT. VASANTI A. NAIK &
MRS. SWAPNA JOSHI, JJ.

DATE : 20.06.2016.

Since the issue involved in these writ petitions is identical and the same relief is sought therein, they are heard together and are decided by this common order.

By these writ petitions, the petitioners seek a direction to the respondents to pay the arrears of salary to the petitioners for the period from 01/09/2001 to 01/04/2006.

Shri Ambarish Joshi, the learned Assistant Government Pleader appearing for the respondent Nos.1 and 2, raises a preliminary objection to the tenability of the writ petition. It is stated that the claim of the petitioners is barred by limitation. It is stated that since

the petitioners have sought the monetary benefits, i.e. salary for the period from 01/09/2001 to 01/04/2006 by filing a writ petition on 03/05/2012, the claim would be barred by time, as the same was required to be filed on or before 01/04/2009. It is stated that had a suit been filed by the petitioners for the aforesaid relief, the same would have been dismissed on the ground of limitation.

Shri Deshpande, the learned counsel for the petitioners, states that the Management had filed Writ Petition Nos.4344 of 2010 and 1373 of 2012 seeking approval to the appointment of the petitioners. It is stated that in those writ petitions, certain orders were passed. It is stated that in view of the filing of the said writ petitions by the Management in the year 2010 and 2012, these petitions, would not be barred by the Law of Limitation and the Law of Limitation would not come in the way of the petitioners in seeking the relief.

On a reading of the writ petitions and on hearing the learned counsel for the parties, it appears that the relief sought by the petitioners cannot be granted, in exercise of the writ jurisdiction. Even if, the petitioners had filed a suit in the year 2012 for arrears of salary for the period from 01/09/2001 to 01/04/2006, the same would have been held to be barred by the Law of Limitation. For seeking the salary for the period from 01/09/2001 to 01/04/2006, the petitioners should have approached this Court by 01/09/2004 and latest by 01/04/2009. The writ petitions are filed on 03/05/2012. The petitioners had never approached this Court for unpaid salary at an earlier point of time. It is rightly submitted on behalf of the respondents that the claim of the petitioners cannot be granted in view of the principles based on the Law of Limitation. The filing of the writ petitions by the Management in the year 2010 and 2012 cannot come to the rescue of the petitioners in seeking the relief, as firstly, those writ petitions were filed after 01/04/2009 and secondly, those writ petitions did not pertain to the unpaid salary of the petitioners.

By upholding the preliminary objection raised on behalf of the concerned respondents, we dismiss the writ petition with no order as to costs.

JUDGE

JUDGE