

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

WRIT PETITION NO. 5012 OF 2016

Babarao S/o Anandrao Dhotre

-VS-

State of Maharashtra, thr.its Secretary Department of General Administration and another

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

Court's or Judge's Orders.

None for the petitioner.
Mrs.G.Tiwari, AGP for the respondent No.1.

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

DATE : 22.11.2016.

None appeared for the petitioner in the morning session.
None appears for the petitioner in the afternoon session.

We have perused the writ petition and the documents annexed thereto.

By this writ petition, the petitioner seeks a direction against the respondents to pay back wages to the petitioner from the deemed date of his appointment on 16/01/1990 till the date of his actual appointment on 18/08/2007.

The petitioner applied for the post of gramsevak in pursuance of an advertisement issued by the respondents in the year 1986. It was the case of the petitioner that the petitioner was entitled to be appointed on the post of gramsevak, but the respondents did not appoint the petitioner on the said post. The petitioner filed Writ Petition No.496 of 2007 seeking his appointment on the post of gramsevak. The said writ petition was allowed by the judgment dated 29/06/2007 and this court held that the petitioner was entitled to be appointed on the post of gramsevak. In terms of the judgment dated 29/06/2007, the petitioner was appointed on the post of gramsevak. According to the petitioner, the petitioner was entitled to be appointed on 16/01/1990 and not 18/08/2007, as he was selected in the year

1990. According to the petitioner, the petitioner would be entitled to the back wages for the period from 16/01/1990, the date on which he was selected till the date of his actual appointment on 18/08/2007. Some ancillary prayers are also made in the petition.

We are not inclined to grant the relief claimed by the petitioner in the instant petition. The petitioner cannot claim the back wages for the period from 16/01/1990 to 18/08/2007 by filing the writ petition on 07/05/2016. The petition suffers from laches. Even otherwise, an employee would not be entitled to claim wages or salary from the date of his/her selection and would be entitled to the same only from the date of appointment. Since the petitioner was appointed on 18/08/2007, the respondents have rightly paid the wages/salary to the petitioner from the said date. The petitioner cannot be considered to have been appointed on 16/01/1990 merely because he was selected on that date. The prayers made by the petitioner in the instant petition are misconceived. The relief claimed by the petitioner cannot be granted. Even assuming that the said prayer was granted by this Court in Writ Petition No.496 of 2007, the petitioner had other remedies. The petitioner cannot again approach the court with a prayer that he should be granted the back wages by considering his deemed date of appointment to be 16/01/1990.

Since the petition suffers from laches and since there is no merit in the claim of the petitioner, we dismiss the writ petition with no order as to costs.

JUDGE

JUDGE