

IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.6069/2016

(Shri Ashok Pandhurangji Jambhulkar vs. The State of Maharashtra 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 order

Mr. P.N.Shende, Advocate for the petitioner

Mr. Indranil Damle, Asst. Government Pleader for Respondents 1 to 3

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

DATED : 16th November, 2016.

By this Writ Petition, the petitioner seeks a direction against the respondent no.2-Education Officer, Zilla Parishad, Gondia, to forthwith release the arrears of salary to the petitioner, for the period from 20th December, 2003 till October, 2009.

The relief claimed by the petitioner cannot be granted. The petitioner was appointed as *Shikshan Sevak* by the respondent-Management in the year 2000 and his services were terminated in the year 2003. The termination order was challenged by the petitioner before the Grievance Committee. The Grievance Committee partly allowed the Application filed by the petitioner and directed the reinstatement of the petitioner with back wages only for the period during which he had actually worked.

While filing the instant petition, the petitioner

cannot seek the arrears of salary for the period from 20.12.2003 till he was reinstated in service in October, 2009. The relief claimed by the petitioner cannot be granted, at least, on two counts. Firstly, the relief claimed by the petitioner stands barred by the principles of limitation. A monetary claim is required to be made within a period of three years. In the instant case, the petitioner is making the monetary claim for the period from 20.12.2003 to October 2009 by filing the Writ Petition on 24.6.2016. Also, though the Grievance Committee had refused to grant back wages, to the petitioner for the period during which he had not worked, the petitioner did not challenge the said decision before any Court or authority.

In view of the aforesaid, the Writ Petition is dismissed with no order as to costs.

JUDGE

JUDGE

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