

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

WRIT PETITION NO. 472/2016

(BHAGWAT DHONDU DAKHORE VERSUS STATE OF MAHARASHTRA & OTHERS)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri S.I. Khan, counsel for the petitioner.
Ms Ritu V. Kalia, A.G.P. for the R-1 to 4.
Shri S.O. Ahmad, counsel for the R-5 & 6.

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

DATE : AUGUST 09, 2016.

By this writ petition, the petitioner challenges the order of the respondent no.5, dated 17.08.1999, terminating the temporary services of the petitioner.

Shri Ahmad, the learned counsel for the respondent nos.5 and 6, raises a preliminary objection to the tenability of the writ petition. It is stated that by the writ petition filed on 27.11.2015, the petitioner is challenging the order dated 17.08.1999. It is stated that the petition suffers from laches and is liable to be dismissed.

Shri Khan, the learned counsel for the petitioner, states that the petition may not be dismissed on the ground of laches as after the services of the petitioner were terminated in the year 1999, the petitioner was making representations to the respondent no.5 and the respondent no.5 was assuring the petitioner that the petitioner would be reinstated.

We are inclined to uphold the preliminary objection raised on behalf of the respondents to the tenability of the writ petition. The writ petition is filed sixteen years after the petitioner's services were terminated. The petition suffers from laches and the same cannot be entertained. The claim of the petitioner that the petitioner was making representations for past several years and,

therefore, the petition may not be dismissed on this count, is liable to be rejected. It is well settled that making of successive representations is inconsequential and cannot be considered as sufficient cause. It is well settled that the making of the representations would not stop the period of limitation. It would be useful to refer to the judgments reported in **(1995) Supp. (4) SCC 593** (*Administrator of Union Territory of Daman and Diu and others Versus R.D. Valand*), **(1997) 11 SCC 13** (*Jai Dev Gupta Versus State of H.P. & Another*) and **(2006) 4 SCC 322** (*Karnataka Power Corporation Limited, through its Chairman & Managing Director & Another Versus K. Thangappan & Another*), in this regard..

By upholding the preliminary objection raised on behalf of the respondents, we decline to entertain the writ petition. The writ petition is dismissed with no order as to costs.

JUDGE

JUDGE

APTE

CERTIFICATE

I certify that this Judgment/Order uploaded is a true and correct copy of original signed Judgment/Order.

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