

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
AURANGABAD BENCH, AURANGABAD**

WRIT PETITION NO. 6592 OF 2011

Dnyaneshwar s/o Tarachand
Chavan

...Petitioner

VERSUS

The State of Maharashtra
and others

...Respondents

.....

Shri R.I.Wakade, advocate for the petitioner
Smt. Vaishali Patil, A.G.P. for respondents 1 & 2
Shri S.A.Patil, advocate h/f
Shri V.D.Salunke, advocate for respondents 3 & 4

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CORAM : S.V.GANGAPURWALA & K.L.WADANE, JJ.

DATED : 6th FEBRUARY, 2017

O R D E R :

Mr. Wakade, learned counsel submits that the petitioner was appointed by the respondent after following due procedure of law in the year 1999. Since the year 1999 till 5.10.2008 the petitioner performed his duties, however, was not paid salary. Respondent be directed to pay the same.

2. The respondent has filed affidavit stating that the petitioner has worked up to 2006 and tendered his resignation. Salary was paid to the petitioner from time to time. Even if

petitioner's case is disputed, the petitioner has tendered resignation on 6.10.2008.

3. Mr. Wakade, learned counsel fairly states that appeal was filed before the Social Welfare Officer and same has been withdrawn. The petition is also filed in the year 2011 after three years of petitioner tendering his resignation. The respondents have come up with the case that salary has been paid. The same would be disputed question of fact.

4. Considering the fact that the appeal was withdrawn and this petition was filed belatedly almost after three years, the grievance of the petitioner cannot be considered.

5. Writ Petition disposed of. No costs.

(K.L.WADANE, J.)

(S.V.GANGAPURWALA, J.)

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