

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

WRIT PETITION NO. 15206 OF 2017

Ramesh Sukhlal Bari

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Shri Suresh D. Dhongade, Advocate for the Petitioner.

Shri S. B. Joshi, A.G.P. for Respondent Nos. 1 to 6.

**CORAM : S. V. GANGAPURWALA AND
R. G. AVACHAT, JJ.**

DATE : 27TH NOVEMBER, 2018.

FINAL ORDER :

. Mr. Dhongade, the learned counsel for the petitioner submits that, the judgment of the Tribunal is assailed in the present writ petition only to the extent of non grant of back wages. The learned counsel submits that, the order of termination is set aside by the Tribunal considering the Government Resolutions dated 21.10.1995, 30.11.1995, 22.10.1996 and 10.03.2005. Even the respondents are directed to consider the case of the petitioner for regularization in view of the said Government Resolutions. When the order of termination has been set aside and directions are given to reinstate the petitioner along with continuity, all benefits should

have been accorded to the petitioner. The learned counsel submits that, no reasons are given for denying backwages to the petitioner. Even from 1993 to 1998 the petitioner was in service.

2. Mr. Joshi, the learned Assistant Government Pleader for respondents supports the order.

3. The petitioner was appointed as unpaid employee. On or about 22.02.1993 the petitioner was terminated from service. The petitioner challenged the termination order by filing Original Application before the Maharashtra Administrative Tribunal bearing Original Application No. 205 of 1995. It is the case of the petitioner that, termination order was issued in the year 1995 still he was continued in service. The Original Application No. 205 of 1995 was dismissed in default. The restoration of the said original application was sought, however, it was disposed of as infructuous because by that time fresh termination order in the year 1998 was passed against the petitioner. The petitioner challenged the termination order of the year 1998 by filing Original Application in the year 2010.

4. We do not get any reason put forth by the petitioner for not challenging order of termination passed in the year 1998 for such a long slumber. The petitioner was not diligent in challenging the order of termination. The Tribunal has partly allowed the original

application and set aside the order of termination and has also directed reinstatement and continuity in service. The continuity in service will be with all consequential benefits. However, backwages have been denied. The petitioner has not worked, nor challenged the order of termination for twelve long years. For the delay on the part of the petitioner, the petitioner cannot be benefited.

5. In view of that, we are not inclined to interfere with the order of the Tribunal denying backwages to the petitioner. The writ petition as such is disposed of. No costs.

[R. G. AVACHAT, J.]

[S. V. GANGAPURWALA, J.]

bsb/Nov. 18