

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5423 OF 2011

Satish Maharudra Gadache Petitioner
Vs.
The State of Maharashtra & Others Respondents

Mr. M.L. Patil for the Petitioner.
Mr. S.B. Kalel, AGP, for the Respondent-State.
Mr. Dilip Bodake for Respondent No.4.

CORAM: S.C. DHARMADHIKARI &
SMT. BHARATI H. DANGRE, JJ.

DATE : JULY 04, 2018

P.C:

1. The writ petitioner seeks the following relief:-

"(b) *The Hon'ble court be pleased to issue a Writ of Mandamus and/or any other writ, order or direction in the nature of writ ordering and/or directing the Respondents to grant the pay scale of Special Teacher (Art) to the Petitioner w.e.f. June 1993 together with arrears of salary and consequential benefits.*"

2. During the pendency of this writ petition and in terms of an affidavit filed by the Management, it is evident that

the petitioner has obtained the requisite pay-scale post up-gradation. However, he desires that it should be reckoned from a prior month & year and as stipulated in the above prayer. We do not see how we can grant this relief in a petition which is brought in this Court on 5-4-2011. If the petitioner seeks grant of pay-scale of Special Teacher (Art) with effect from June, 1993 and the difference/differential salaries, then, such a relief is clearly barred. It is barred by delay and laches. Merely because the petitioner is an employee, we cannot entertain such a petition when there is no explanation for such an enormous delay, in the sense the petitioner should be satisfied with the up-gradation and granted by the Management. That we do not wish to take away and will be continued to be admissible to the petitioner. In the circumstances, the writ petition is disposed of in the light of the statement made on oath by respondent No.4.

(SMT. BHARATI H. DANGRE, J.)

(S.C. DHARMADHIKARI, J.)