

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5428 OF 2011

Milind Shivaji Sandhan Petitioner
Vs.
The State of Maharashtra & Others Respondents

WITH

WRIT PETITION NO.5429 OF 2011

Sunil Babanrao Takawale Petitioner
Vs.
The State of Maharashtra & Others Respondents

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

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

DATE : JULY 04, 2018

P.C:

1. The writ petitioners seek 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 B.Ed. Scale to the petitioner w.e.f. 11.06.2001 together with arrears of salary and consequential benefits.”

2. During the pendency of these writ petitions and in terms of an affidavit filed by the Management, it is evident that the petitioners have obtained the requisite pay-scale post up-gradation. However, they desire that it should be reckoned from a prior date and as stipulated in the above prayer. We do not see how we can grant this relief in the petitions which are brought in this Court on 5-4-2011. If the petitioners seek grant of B.Ed. pay-scale with effect from 11-06-2001 and the difference/differential salaries, then such a relief is clearly barred. It is barred by delay and laches. Merely because the petitioners are employees, we cannot entertain such petitions when there is no explanation for such an enormous delay, in the sense the petitioners 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 petitioners. In the circumstances, the writ petitions are disposed of in the

suresh

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light of the statement made on oath by respondent No.4.

(SMT. BHARATI H. DANGRE, J.)

(S.C. DHARMADHIKARI, J.)