

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

901 WRIT PETITION NO.5934 OF 2018

**GAURIHAR DINNODDHAR SWAMI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

Advocate for Petitioners : Mr Gaikwad Amol R.
AGP for Respondents State: Mr. P.S.Patil
Advocate for Respondent No.6 : Mr. D. J. Choudhari

**CORAM : S. V. GANGAPURWALA &
A. M. DHAVALA, JJ.**

DATE : 5th April, 2019

PER COURT :

1. Learned counsel for the petitioner submits that the petitioner has already filed appeal before the appropriate tribunal challenging the otherwise termination. In view of that, prayer with regard to allowing the petitioner to sign muster roll does not survive. It is submitted that, with regard to the prayer for payment of arrears, as per 6th pay commission from July, 2009 to May, 2012 and regular salary to the petitioner from June, 2018, the petitioner would file fresh petition.

2. Mr. Choudhari, learned counsel for respondent Nos. 5 and 6/institution submits that the prayer for getting arrears from July, 2009 to May, 2012 is barred

by limitation.

3. Even if the petitioner is given liberty to file petition with regard to the arrears from July, 2009 to May, 2012, the question of period of limitation would still subsists as the liberty would not stop running of the time. The respondents can raise the ground of limitation in the petition that would be filed by the petitioner.

4. With the aforesaid liberty, writ petition is disposed of. No costs.

(A. M.DHAVAL, J.)

(S.V.GANGAPURWALA, J.)

JPC