

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

WRIT PETITION NO. 5689 OF 2018

Shri. Sunil S/o. Jaykumar Lambadade & Ors. Petitioners

Versus

The State of Maharashtra & Ors. Respondents

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Appearances :-

Shri. R. S. Sadaphule, Advocate for the petitioners

Shri. P. S. Patil, AGP for respondent/State

Shri. R. J. Godbole, Advocate for respondents No. 3 and 4

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**CORAM : S. V. GANGAPURWALA
AND
ANIL S. KILOR, JJ.**

DATE : 07TH OCTOBER, 2019

PER COURT:-

1. Shri. R. S. Sadaphule, learned counsel for the petitioner submits that, order dt. 20.08.2008 is illegal. No recovery could be claimed by the respondents. The petitioners are working on Class-III posts. The learned counsel relies on the judgments of this Court at the Principal Seat in Writ Petition No. 670 of 2010 dt. 13th April, 2010 and Writ Petition No. 251 of 2015 dt. 9th April, 2015 to submit that the respondent is not entitled for recovery. The learned counsel also relied on the judgment of this Court at Principal Seat in Writ Petition No. 6110 of 1996 dt. 29.03.2007.

2. Shri. R. J. Godbole, learned counsel for respondents No. 3 and 4 submits that, this Court in the writ petitions as referred to above have held that recovery cannot be claimed, however, contends that the petition may not be entertained on the ground of delay and laches. Order of 2008 is now being assailed in the year 2018. The petition deserves to be dismissed on the said count only.

3. It appears that, the respondents do not dispute that the petitioners are similarly situated as the petitioners in Writ petitions No. 670 of 2010 and 6110 of 1996. In the said writ petitions, this Court had quashed the order dt. 20.08.2008 assailed in the present writ petition.

4. In light of the above, the impugned order is quashed to the extent of recovery only.

5. The Writ Petition is accordingly disposed of. No costs.

[ANIL S. KILOR]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

Punde