

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

WRIT PETITION NO. 2738 OF 2020

(Shri Pankaj Ghansham Rannavre vs. The Secretary, General Health Department, Mumbai & Ors.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri Manoj V. Masodkar, Advocate for the
petitioner.

Shri D.P. Thakare, Additional GP for respondent
Nos. 1 to 3.

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**CORAM : DIPANKAR DATTA, CJ. &
R.K. DESHPANDE, J.
NOVEMBER 02, 2020.**

P.C.

Hearing was conducted through Video Conferencing and the learned counsel for the parties agreed that the audio and visual quality was proper.

The petitioner is aggrieved because he did not receive salary between 7th December 2010 and 3rd April 2011 and, consequently, seeks relief by way of an order/direction for payment. The grievance raised is in the nature of a money claim. There is no reasonable

explanation in the writ petition for the belated approach.

In ordinary circumstances, if the petitioner were to institute a civil suit claiming relief on the self-same cause of action, the same would have been clearly barred by the Limitation Act, 1963. Although the provisions of said Act are not applicable to writ proceedings, in view of the decision of the Supreme Court in the case of State of Madhya Pradesh vs. Bhailal Bhai & Ors., reported in AIR 1964 SC 1006, the petitioner ought to have approached this Court with his grievance at least within three years of the salary becoming due and payable to him.

The learned counsel for the petitioner has referred to several correspondence that were exchanged by and between the parties on the aspect of non-release of payment which includes representations made by the petitioner. The Supreme Court in its decision in the case of Union of India vs. M.K. Sarkar, reported in (2010) 2 SCC 59, has made it abundantly clear that by submission of non-statutory representations a dead/stale claim

cannot be revived and the delay and laches erased for a decision by the Court on the dispute.

The petitioner having belatedly approached the Court without reasonable explanation, we are not inclined to entertain this writ petition. It is dismissed, without any order as to costs.

This order be communicated to the learned counsels appearing for the parties, either on the e-mail address or on Whatsapp or by such other mode, as is permissible in law.

(R.K. DESHPANDE, J.) (CHIEF JUSTICE)

*GS.