

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

WRIT PETITION NO. 674/2020

Sharad s/o Dinkar Pachkhede

Vs.

State of Maharashtra through Principal Secretary, Water Supply & Sanitation
Department and others

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

Court's or Judge's order

.....
Shri S.K. Thengri, Advocate for the petitioner.
Shri A.S. Fulzele, Addl.G.P. for respondent No.1.

CORAM : **R.K. DESHPANDE &
AMIT B. BORKAR, JJ.**

DATED : **03.02.2020.**

Before the Maharashtra Administrative Tribunal, the petitioner claimed back wages for the period from 24.10.1981 to 11.03.2010. It is rejected. Hence, the present petition is filed challenging the said order.

2. Undisputedly, the termination of the petitioner from service on 02.08.1986 was the subject matter of the challenge before this Court in Letters Patent Appeal No. 37/2009, which was allowed on 11.03.2010 and the termination was set aside and reinstatement and continuity in service was granted without back wages. The petitioner was directed to reinstate in service within a period of 90 days from the date of the judgment. The petitioner was actually permitted to join on 20.04.2015 and the continuation in service was

granted on 04.02.2016. This was after dismissal of SLP on 22.07.2013 by the Apex Court against the decision of this Court rendered in Letters Patent Appeal.

3. In view of the fact that the petitioner was denied back wages, the claim for payment of back wages subsequently made for the period from 24.10.1981 to 11.03.2010 i.e. the date of the decision of Letters Patent Appeal cannot be granted and it is rightly refused by the Maharashtra Administrative Tribunal. The petitioner has not claimed the arrears of salary for the period from 11.03.2010 to 20.04.2015 and it is informed that the arrears were paid to him. We, therefore, do not find any substance in the challenge raised in this petition.

4. The petitioner submits that the respondents have treated the petitioner to have been employed after 01.11.2005 and therefore, new pension scheme is made applicable. According to him, the old pension scheme has to be made applicable to the petitioner. This issue was neither raised before the Tribunal nor in this Writ Petition. The petitioner is at liberty to agitate such grievance if it is permissible in accordance with law.

4. Writ petition is dismissed.

JUDGE

JUDGE