

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

943 WRIT PETITION NO.7973 OF 2020

VASANT BABURAO PATIL
VERSUS
STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. Wakade Ramesh I.
AGP for Respondent No.1-State : Mr. S. R. Yadav-Lonikar.

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CORAM : RAVINDRA V. GHUGE, AND
S. G. MEHARE, JJ.

DATE : 07.07.2021

PER COURT :-

1. Once again today, the learned advocate for the petitioner was not present, when the matter was called out. We had to send a message to him through his lawyer friend to inform him that the matter is kept back. Thereafter, he appeared before us, after a pass over.

2. The petitioner has put forth prayer clause 'B' as under :

"(B) By issuing writ of mandamus or any other writ or directions in the like nature Respondent No.3 to 7 may kindly be directed to credit 42 days "Earned Leave" in petitioner's account in pursuance to letter dt. 03.07.2000 given by Respondent No.6 to Respondent No.4 and to pay the entire payment emoluments to petitioner from the date he was sent on "Forced Leave" i.e. 05.04.1999 to 16.05.1999."

3. This petition has been filed on 29.10.2020. The petitioner admits that he has superannuated from employment on 14.11.2011 as an Assistant Superintendent Class-I Officer with the M.S.R.T.C.

4. We have considered the strenuous submissions of the learned advocate for the petitioner and the learned AGP for respondent No.1. With their assistance we have gone through the petition paper book, threadbare.

5. The petitioner was forcibly sent on leave for around 42 days from 05.04.1999 to 15.05.1999 by the Divisional Controller, Jalgaon while he was working as Depot Manager, Chalisgaon. He made a representation to the Works Manager, S.T. Central Workshop, Aurangabad who sent his opinion dated 03.07.2000 to the Deputy General Manager (P and IR) S.T. Central Offices, Mumbai. In his opinion, he has stated that the D.C. Jalgaon had sent the petitioner on forced leave since an enquiry was conducted by a team of officers regarding certain Labour problems. The enquiry was completed within three (3) days. Yet the petitioner was compulsorily kept on leave for 42

days. Justice should, therefore, be done to him and 42 days leave be credited to his leave account, was the final opinion expressed by him.

6. The petitioner claims to have sent the following representations to many of the respondents ;

- (a) representation dated 03.07.2000,
- (b) representation dated 18.09.2001,
- (c) representation dated 07.05.2004,
- (d) representation dated 04.07.2008,
- (e) representation dated 07.06.2009,
- (f) representation dated 25.07.2011,
- (g) representation dated 17.11.2011,
- (h) representation dated 02.08.2018,
- (i) representation dated 21.05.2019 and lastly ;
- (j) representation dated 23.07.2019.

7. In view of the above, we are of the view that this petition cannot be entertained as a cause of action that arose in May 1999 is being attempted to be questioned in 2020. We are not impressed by the contentions that the petitioner had sent the above representations over 18 years. He retired in November

2011. Even thereafter, he waited for nine (9) years to approach this Court. The law will not come to the aid of a sleeping litigant.

8. In view of the above, this petition is dismissed.

(S. G. MEHARE, J.)

(RAVINDRA V. GHUGE, J.)

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vmk/-