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“16 The Petitioner states and submits that there is some delay in filing the present Petition as the Thane Municipal Corporation had orally assured the Petitioner to continue him the service or give him onetime benefit as the Petitioner is serving the Thane Municipal Corporation for more than 23 years, in view of the GRs which are hereto annexed and marked as Exhibit E. The Petitioner states and submits that the said delay caused is neither intentional nor deliberate, thus he same may be condoned in the interest of justice. The Petitioner furthermore states and submits that if the said delay is not condoned huge irreparable loss will be caused to the Petitioner. Thus, the same may be condoned in the interest of justice, and the present Writ Petition may be heard on merits.”

4 Learned counsel for the Petitioner submits that in the interest of justice this Hon’ble Court be kind enough to consider his prayer on its own merits without going through the point of delay and latches. Learned counsel for the Petitioner submits that as of today, Petitioner is in service of the Respondent. He submits that after passing order dated 8th December 2009, Respondent-Corporation had orally assured the Petitioner to continue him in the service or giving him one time benefit as the Petitioner is working with them for last 23 years.

5 Thereafter, Petitioner filed additional Affidavit on 25th July 2018 giving some explanation for delay and latches. Paragraphs 5 and 6 of the additional Affidavit reads thus:

“5 I furthersay that when the aforesaid impugned order was passed on 8th December 2009, I was suffering from severe medical ailments, and as I was assured by the Respondent No.3 Municipal Corporation in lieu of filing voluntary retirement I need not submit the Caste Scrutiny Certificate and all the retirements benefits would be given as per rules, thus same wasn’t challenged. I say that I being working in class IV

category as 'bigari' i.e lowest cadre in service, and being illiterate and least educated, I failed to understand the effect of impugned Order.

6 I say that as I was aged more than 50 years of age and the work I was assigned was labors, I was inclined for voluntary retirement due to health issues and ambiguity of service due to impugned order, for the said reasons I was under impression as I would be voluntary retired as assured and thus I may not be required to challenge the impugned order. However, when the difficulty arose with respect to service in lieu of impugned order, I was constrained to prefer the present Writ Petition."

6 After perusal of paragraphs 5 and 6 of the additional Affidavit shows that after oral assurance of the Respondent-Corporation, it remained on the part of the Petitioner to file present Petition immediately. Though the Petitioner referred to his ailments in paragraph 5 of the additional Affidavit, not a single medical certificate is placed on record. Paragraphs 5 and 6 of the additional Affidavit shows that the Petitioner failed and neglected to disclose any cause for laches for more than two and half years.

7 Considering the fact of the present case and as the present Petition is filed more than 2 and half years after the impugned order dated 8th December 2009 was passed, we did not find any reason to entertain this Petition.

8 Hence, we pass the following order:

- (a) Writ Petition stands dismissed.
- (b) No order as to costs.

[RIYAZ I. CHAGLA, J.]

[K.K.TATED, J.]