

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.8047 OF 2021

Arun Ramlal Gujlekar,
Age; 46 years, Occ; Nil,
R/o; House No. 4-12-39, Near Mewad
Lodge, Nageshwarwadi, Aurangabad,
Tq. and Dist. Aurangabad.

...PETITIONER

VERSUS

1. The State of Maharashtra,
Through Secretary,
Urban Development Department,
Mantralaya, Mumbai 032.
2. The Aurangabad Municipal Corporation
Aurangabad, Tq. & Dist. Aurangabad
(Through its Commissioner)
3. The Deputy Commissioner,
Aurangabad Municipal Corporation,
Aurangabad, Tq. & Dist. Aurangabad.
4. The Establishment Officer-1,
Aurangabad Municipal Corporation,
Aurangabad, Tq. & Dist. Aurangabad.

...RESPONDENTS

...
Advocate for Petitioner : Mr.Vivek J.Dhage and Mr.D.A.Karnik
AGP for Respondent No. 1-State : Mrs. R.P.Gaur
Advocate for Respondent Nos. 2 to 4 : Mr. A.R.Vaidya
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**CORAM : MANGESH S. PATIL &
SANDEEP V. MARNE JJ.**

DATE : 25th JULY, 2022.

ORAL JUDGMENT : [PER :- MANGESH S. PATIL - J.]

1. Heard the learned Advocates for the contesting parties and the learned A.G.P.

2. Rule. Rule is made returnable forthwith. The petition is taken up for final hearing at the stage of admission.

3. The petitioner was appointed on daily wages, as Junior Clerk in the year 1998. His services were continued from time to time. However, by resolution dated 21 December 2015, the other employees were continued, but the proposal of the petitioner was not forwarded. Since thereafter he is out of the employment. Time and again he made representations, but the same were not considered favourably. The Government subsequently took a decision to regularize the daily wagers on the establishment of the respondent Corporation, by a decision dated 28 September 2020 and the petitioner may not be deprive from receiving the benefits when he had put in 17 years of service due to some delay, which is derived by similarly situated persons.

4. The learned Advocate Mr. Dhage, for the petitioner would

submit that considering the stand being taken by respondent Nos. 2 to 4 in the affidavit-in-reply, it is by way of punishment that the petitioner has not been allowed to continue. Some delay may be overlooked in the interest of justice, since it is a matter of employment.

5. The learned Advocate Mr. Vaidya, for respondent Nos. 2 to 4 submits that the petitioner had voluntarily remained absent from the duty, as can be demonstrated from his representations. He had accepted the situation as he had not approached this Court promptly, when the others were regularized. There is no justification or explanation for the delay in the Writ Petition and his request may not be considered.

6. It is trite that while exercising the writ jurisdiction, though strictly speaking the delay may not be decisive, it is imperative for the petitioner to come out with some explanation as to which circumstances have prevented him from approaching the Court and seeking the remedy. Precisely for these reasons even while issuing notices to the other side the issue of delay and latches was kept open.

7. The petition is absolutely devoid of any explanation.

Since 2015 the petitioner has been aware that he was not continued. He never approached this Court. He kept making representations. The last such representation was made in the year 2019. Even thereafter, he took another couple of years to approach this Court.

8. It is after a long slumber the petitioner is approaching this Court, in all probability, in view of supervening event wherein the other daily wagers have been regularized by the respondent Corporation on 28 September 2020.

9. The Writ Petition suffers from delay and laches and is dismissed.

10. Rule is discharged.

(SANDEEP V. MARNE)
JUDGE

(MANGESH S. PATIL)
JUDGE