

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

71 WRIT PETITION NO.12866 OF 2022

ASARAM GANGARAM HIWRALE
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE SECRETARY AND
OTHERS

Mr.A.L.Kanade, Advocate for the petitioner.
Mr.S.G.Sangle, AGP for the respondent/State.

(CORAM : RAVINDRA V. GHUGE AND
SANJAY A. DESHMUKH, JJ.)

DATE : DECEMBER 19, 2022

PER COURT :

1. The petitioner claims to have worked on temporary basis for one month by virtue of the order (typed copy) dated 21.08.1981. The Aurangabad Municipal Council then issued one more order on 01.02.1982 calling upon the petitioner to appear for an interview. On 30.06.1982, the Municipal Council issued a temporary appointment order to the petitioner w.e.f. 01.07.1982. He claims that he was working till 31.01.1996 when he sought voluntary retirement on health grounds and prayed that his wife be appointed in his place. It is after 26 years of not being in employment, that the petitioner has approached this Court contending that the Corporation be directed to calculate his gratuity amount, leave

encashment, GPF and all retiral benefits and pay the same to the petitioner. He has not availed of the remedy under the P.G.Act, 1972.

2. We find from the documents shown to us that the petitioner was a daily wager as a “safai kamgar” with the then Aurangabad Municipal Council, for one month in 1981 and thereafter for some time in 1982. By virtue of the temporary order dated 13.06.1982, he claims to be working till 31.01.1996. The application for voluntary retirement shown to us is a typed copy. The learned Advocate for the petitioner submits that the Municipal Corporation did not respond to the said notice and he also stopped going to work from 01.04.1996.

3. In the face of such disputed questions and when the petitioner was sleeping for more than 26 years, we do not find it appropriate to direct the Corporation to decide the representation of the petitioner dated 24.06.2022, which is apparently aimed at reviving a stale purported cause of action.

4. Hence, this petition is disposed off.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE, J.)