

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

WRIT PETITION NO.10680 OF 2021

Sanjay Bhgwan Chavan and Ors. ..PETITIONERS

VERSUS

The State of Maharashtra and Ors. ..RESPONDENTS

Mr. S.R. Barlinge, Advocate for petitioners;
Ms. V.N. Patil-Jadhav, A.G.P. for respondents no.1 & 2;
Mr. A.B. Girase, Advocate for respondent no.3

**CORAM : DIPANKAR DATTA, CJ.
AND
SMT. VIBHA KANKANWADI, J.**

DATE : NOVEMBER 15, 2022

PC :

1. Petitioner has approached this Court with the following prayers:

“(A) By a writ of mandamus, or any other appropriate writ, or order or directions in the like nature, the respondents be directed to give all the benefits, including the arrears of salaries to the petitioners in the pay scale of Rs.4000/- to Rs.6000/- as provided in the Govt. Resolution dated 27.02.2006.

(B) By a writ of mandamus, or any other appropriate writ or order or directions in the like nature, the respondents be directed to pay the arrears of difference of salary to the petitioners as expeditiously as possible and preferably within three months.”

2. According to Mr. Barlinge, learned advocate for the petitioner, the issue involved in this writ petition is covered by the decision dated July 4, 2014 of a co-ordinate Bench in Writ Petition No.243 of 2007. It is also his case that the said decision has been upheld by the Supreme Court, in the sense that the Special Leave Petition was dismissed on the ground of delay.

3. Be that as it may, we do not find any representation having been made by the petitioner before the authority seeking relief as claimed in this writ petition on the basis of the order of this Court passed earlier in Writ Petition No.243 of 2007.

4. We are of the view that the petitioner, before invoking our writ jurisdiction, ought to have approached the duly empowered respondent with a prayer for extension of similar benefit as was granted to the petitioners in Writ Petition No.243 of 2007. This, we hold, in view of the decisions of the Supreme Court reported in **Saraswati Industrial Syndicate Ltd. etc. V. Union of India**, reported in **AIR 1975 SC 460**, **State of Haryana and another V. Chanan Mal etc.**, reported in **AIR 1976 SC 1654** and **Rajasthan State Industrial Development & Investment Corporation V. Diamond & Gem Development Corporation Limited**, reported in

(2013) 5 SCC 470. The aforesaid decisions were relied on by a co-ordinate Bench of this Court while dismissing Public Interest Litigation (L) No.1553 of 2020 (**Vijender Kumar Rai V. State of Maharashtra and ors.**) by judgment dated February 21, 2022.

5. In view of the above decisions, we do not see reason to examine the petitioner's grievance at this stage without a representation having been made by him to the concerned respondent and without there being an express or implied denial of his claim.

6. The writ petition stands disposed of granting liberty to the petitioner to approach the concerned respondent with an appropriate representation seeking relief within a period of a fortnight from today. If such representation is received, the concerned respondent shall proceed to decide such representation in accordance with law as early as possible but preferably within two months from date of receipt thereof. All contentions are left open.

7. No costs.

[SMT. VIBHA KANKANWADI, J.]

[CHIEF JUSTICE]

amj