

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

16 WRIT PETITION NO.5316 OF 2016

**LAXMAN NAMDEO VADAK DIED THROUGH LRS MANKARNIKA
LAXMAN VADAK AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Advocate for Petitioners : Mr. N.C. Garud
AGP for Respondent / State : Mr. K.N. Lokhande
Advocate for Respondent No.3 : Mr. Anant D. Gadekar

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**CORAM : MANGESH S. PATIL &
SANDEEP V. MARNE, JJ.**

DATE : 29-08-2022

ORAL ORDER (*PER* SANDEEP V. MARNE, J.) :

. The petitioner stood voluntarily retired on 30.06.1988. He first initiated litigation with regard to his grievance of non-payment of pay-scale admissible to the post of Measurer which is claimed to be a class-III post. For that grievance, he initially filed Special Civil Suit No.57 of 1990, which came to be transferred to the Maharashtra Administrative Tribunal and numbered as Transfer Application No.113 of 1993. The Transfer Application came to be dismissed by the Tribunal by order dated 01.11.2001. The petitioner unsuccessfully challenged the order of the Tribunal by filing Writ Petition No.2047 of 2002 before this Court, which came to be dismissed by order dated 18.06.2002. Thus, the issue of non-grant of

pay scale to the post of Measurer attained finality.

2. Long thereafter, the petitioner filed Writ Petition No.2389 of 2004 directly before this Court claiming difference of salary in respect of 4th Pay Commission pay scales during the period from 01.01.1986 to 30.06.1988. The petition was transferred to the Tribunal and was numbered as Transfer Application No.03 of 2004. By order dated 20.10.2005 the Tribunal disposed of the Transfer Application recording statement of the Presenting Officer demonstrating various payments that were made to the father of the petitioner.

3. Order dated 20.10.2005 has been challenged in the present petition which is filed by wife and son of the deceased employee. This Writ Petition is filed after long gap of 10 years on 29.10.2015.

4. Mr. N.C. Garud, learned advocate appearing for the petitioner relies upon various medical documents at Exh.'M' to the petition to justify long delay of 10 years in approaching this Court. However, after going through the said documents, we find that the deceased employee was being treated for some ophthalmology related

problem and the treatment commenced from March 2004 i.e. well before passing of the impugned order by the Tribunal. We do not find any justifiable ground to condone delay the latches on the part of the petitioner in filing the present petition.

5. Writ Petition is accordingly dismissed. No costs.

(SANDEEP V. MARNE, J.)

(MANGESH S. PATIL, J.)