

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

935 WRIT PETITION NO.15374 OF 2017

**USHA PREMDAS PAWAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...
Advocate for Petitioner : Mr.Ingole Govind Rangrao
AGP for RespondentNo. 1-State : Mr.A.S.Shinde
Advocate for Respondent Nio. 2 : Mr.Chavan Sudhir K.

...

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

DATE : 21.09.2022.

PER COURT : (PER- SANDEEP V. MARNE, J.)

1. By the present petition, the petitioner seeks a direction to pay the salary from August, 2004 to August, 2008. the petition is filed on 27.11.2017 i.e. after lapse of period of long 9 months. Furthermore, the petition is filed by the wife of the deceased employee who expired on 16.12.2009. During the life time the employee did not file any proceedings for the payment of salary. We therefore, find that the petition suffers from delay and latches. Even otherwise, by order dated 27.09.2008 an approval was granted to the appointment of the deceased employee from 10.03.2008. Thus, even on merits, no case is made out for the payment of salary during August, 2004 to August 2008.

2. Therefore, due to delay and laches the petition deserves to be dismissed and the same is accordingly dismissed without any order as to the costs.

(SANDEEP V. MARNE)
JUDGE

(MANGESH S. PATIL)
JUDGE

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