

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

WRIT PETITION NO.2665 OF 2023

DIGAMBAR ERAPPA MANYAR  
VERSUS  
THE STATE OF MAHARASHTRA THROUGH SECRETARY AND OTHERS

. . .  
Advocate for Petitioner : Mr. Govind G. Suryawanshi  
AGP for Respondent No.1 – State : Mr. V. M. Kagne  
Advocate for Respondent Nos. 2 and 3 : Mr. U. B. Bondar  
. . .

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

DATED : 20<sup>th</sup> MARCH, 2023

PER COURT :

1. The issue that has been raised by the Petitioner in this Court by filing the Petition on 2<sup>nd</sup> February 2023, is that the first benefit of the time bound promotion to which he was entitled to from 2002, should now be granted. He has put forth prayer clauses 'B', 'C' and 'D' as under :-

*“B] By issuing writ direction and order like nature the respondent no.2 may kindly be directed to considered the claim of the petitioner in respect of first benefit of time bound promotion from the period of his entitlement i.e., year 2002 as per the guidelines of state.*

*C] By Issuing a writ of mandamus or by passing an appropriate order or direction the respondent no.2 may kindly be directed to send a revise pension proposal of the petitioners*

*by considering the first benefit of time bound promotion.*

*D] By issuing writ direction and order like nature the respondent No.2 may kindly be directed to decide the last representation dated 18.11.2022. In respect of first benefit time bound promotion from the period of his entitlement i.e., year 2002 as per the guidelines of state.”*

2. It is apparent that this Petition has been filed after two decades seeking monetary benefit with effect from 2002. The learned Advocate for the Petitioner submits, on instructions, that the representation dated 18<sup>th</sup> November 2022 be directed to be decided by Respondent No.2 – Chief Executive Officer, Zilla Parishad, Aurangabad. By this request, a stale dispute is attempted to be revived since, if the representation is rejected, the Petitioner would pray for leave to challenge the said decision, thereby reviving a stale cause of action.

3. Moreover, the Petitioner had approached this Court in Writ Petition No.1739 of 2016. By an order dated 03<sup>rd</sup> May 2016 passed by this Court (Coram : S. S. Shinde and Sangitrao S. Patil, JJ.), the Petition was dismissed as withdrawn. The learned Advocate for the Petitioner submits that the prayers set out in the said Petition are repeated in the present Petition.

4. In view of the above, since the earlier Petition has already been

dismissed as withdrawn, we cannot entertain a second Petition in the same cause seeking the same relief.

5. In view of the above, this Petition is dismissed.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE, J.)