

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

Digitally
signed by
BASAVRAJ
GURAPPA
PATIL
Date:
2023.03.23
15:07:59
+0530

WRIT PETITION NO. 7725 OF 2022

Govind Trambak Bachhav

..... Petitioner

Vs.

Malegaon Municipal Corporation

..... Respondents

Mr. Rupesh Geete with Darshan Sahuji I/b. Satyakri Law Associates
for the Petitioner

Mr. Ajay Raje-Nimbalkar I/b. S. S. Patwardhan for the Respondents

**CORAM: S.V.GANGAPURWALA, ACJ &
SANDEEP V. MARNE, J.**

DATED : MARCH 21, 2023

P.C.

1. The learned Counsel for the Petitioner submits that though the Petitioner was directed to be appointed w.e.f. 5th November 1979, the Petitioner was not allowed to join. It was only on the orders of the Appellate Authority, the Petitioner was allowed to join on 28th December 1981. The period from 5th November 1979 to 28th December 1981 is not considered nor salary is paid for the said period. The Respondents are bound to pay the salary for the said period. The period from 17th March 1997 till 5th April 2002 is also considered as a suspension period. Same ought to have been considered as a duty period. The period from 5th November 1979 to 28th December 1981 and 17th March 1997 to 31st March 2006 be

directed to be calculated for pension and for other retiral benefits.

2. We have heard the learned Counsel for the Respondents also.

3. The Petitioner has not given any satisfactory explanation for the delay and laches. The Petitioner stood retired on superannuation on 31st October 2009. The present Writ Petition is filed in the year 2022. Moreover, the relief claimed is for a period of November 1979 to December 1981 and March 1997 to April 2002 and from March 1997 to March 2006. No satisfactory explanation has come forward for the long slumber of 17 years.

4. Moreover, the Petitioner was issued with order of termination. The General Body of the Corporation took a sympathetic approach and considered the punishment of termination to be harsh and set aside the termination, however, directed the suspension period to be treated, as such.

5. In light of that, no case for consideration is made out.

6. The Writ Petition, as such, is disposed of. No costs.

(SANDEEP V. MARNE, J)

(ACTING CHIEF JUSTICE)