

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.1019 OF 2021

(Deepak s/o Pandurang Gumble Vs. The State of Maharashtra thr. its Principal Secretary, Industries, Energy and Labour Department, Mumbai and others)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Mr. D. U. Thakare, Advocate for Petitioner.
Mr. S. M. Ukey, Addl GP for Respondent 1/State.
Mr. A. D. Mohgaonkar, Advocate for Respondents 4 & 5.

CORAM: ROHIT B. DEO AND MRS. VRUSHALI V. JOSHI, JJ.

DATE: 8th MARCH, 2023.

We note that the grievance of the petitioner pertains to the refusal of the employer to treat the period 24.08.1994 to 20.05.2000 as duty period.

2. This petition is filed more than twenty years after the accrual of the cause of action.

3. We call upon the learned counsel to address us on the aspect of delay and laches. The learned counsel for the petitioner would submit that a representation was preferred on 01.08.2020, which has gone unheeded.

4. Assuming that the petitioner preferred a representation twenty years after the refusal of the employer to treat the aforesaid period as on duty, the delay and laches which have already occurred prior to the preferring of the representation cannot be brushed under the carpet. It is trite

law that preferring representation and even representation after representation does not furnish any cause of action as such.

5. We decline to look into the merits of the matter and dismiss the petition on the short ground of delay and laches which are unexplained.

(MRS. VRUSHALI V. JOSHI, J.)

(ROHIT B. DEO, J.)

NSN