



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

919 WRIT PETITION NO. 764 OF 2024

PRADEEP NAGNATHRAO SHRIRAMWAR

....Petitioner

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS

.....Respondents

.....

Mr. M. L. Paithane h/for Mr. M. A. Golegaonkar, Advocate for the
Petitioner

Mr. V. M. chate, AGP for the Respondents-State

Mr. S. B. Pulkundwar Advocate for Respondent Nos. 2 to 5

CORAM : RAVINDRA V. GHUGE &
Y. G. KHOBRAGADE, JJ.

DATE : 23rd January, 2024

ORDER:

1. The Petitioner has joined employment as Shikshan Sevak 02.11.2001. On 05.01.2010, he resigned from service owing to personal difficulty. By this Petition filed on 4th September, 2023, it is claimed that his salary for some period of his employment from 02.11.2001 has not been paid to him. One representation was tendered on 27.02.2008, another on 05.01.2019, one on 16.8.2010 and after 13 years, on 13.04.2023.

2. The learned AGP submits that this Petition is in the form of a recovery suit. The limitation applicable to a recovery suit is of 3 years. It is settled that merely filing representations does not convert a cause of action into a recurring cause of action. Four representations have

been filed by the Petitioner, three in the first three years and the last one after 13 years.

3. Considering the law laid down by the Hon'ble Supreme Court in **Assistant Commissioner (CT) LTU. Kakinada & Ors Vs. Glaxo Smith Kline Consumer Health Care**, (2020) 19 SCC 681, even this Court would not be in a position to exercise its writ jurisdiction under Article 226 to revive a cause of action of recovery of amount after a delay of almost 14 years, considering the claim that he was not being paid adequate salary from November, 2001.

4. **The Petition is, therefore, disposed off.**

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)

JPChavan