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wp13399.23

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

WRIT PETITION NO. 13399 OF 2023

KISHAN PANNALAL GHODEKAR

.. PETITIONER

VERSUS

THE STATE OF MAHARASHTRA
THROUGH THE SECRETARY AND OTHERS

.. RESPONDENTS

Mr. Sujit D. Joshi, Advocate for the petitioner.
Mr. P.S. Patil, AGP for the respondents-State.

**CORAM : DEVENDRA KUMAR UPADHYAYA, CJ. &
KISHORE C. SANT, J.**

DATE : AUGUST 27, 2024

PC :-

01. Heard the learned Counsel for the petitioner and the learned AGP representing the State respondents. By filing this Petition, the petitioner seeks to challenge the validity of the judgment and order dated 10.12.2009 passed by the Maharashtra Administrative Tribunal, whereby Original Application bearing

No.461 of 2008 filed by him was dismissed. The Original Application was dismissed on 10th December, 2009 and this Petition has been filed only on 14th September, 2023, i.e. after expiry of period of about 14 years. The explanation submitted by the petitioner for entertaining this Writ Petition, in our opinion, is not sufficient. The petitioner has stated in the Writ Petition that after dismissal of the Original application, he could not challenge the same by filing Writ Petition for the reason that he was having certain other family responsibilities, such as marriage of his daughter. He also stated that after dismissal of the Original Application, the petitioner was in a state of helplessness and confusion on account of various advices said to have been received by him and that since the pension is to be drawn on monthly basis, therefore, each passing month gives a fresh cause of action to the petitioner to challenge the order passed by the Maharashtra Administrative Tribunal.

02. The said explanation, in our considered opinion, cannot be accepted. The ground taken that non-payment of pension

constitutes a continuing cause of action is also not tenable for the reason that in the instant case, the Original Application filed by the Petitioner claiming pension was rejected way back in the year 2009.

03. Since no satisfactory explanation comes forth for delay and latches, which has occurred in filing this Writ Petition, we are not inclined to entertain the same, which is hereby dismissed.

[KISHORE C. SANT, J.]

[CHIEF JUSTICE]