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

WRIT PETITION NO. 1007 OF 2024

Jitendra Tikaram Kurkure

.. Petitioner

Versus

Union of India & Ors.

.. Respondents

Mr. Rahul Walia i/by Ms. Asmita C. Pendharkar for petitioner.

**CORAM: DEVENDRA KUMAR UPADHYAYA, CJ. &
ARIF S. DOCTOR, J.**

DATE: 31st JANUARY, 2024

P.C.:

- 1.** Heard learned counsel for the petitioner and perused the record available before us.
- 2.** By instituting these proceedings under Article 226 of the Constitution of India, the petitioner takes exception to the judgment and order dated 27th September, 2013 passed by the Central Administrative Tribunal, Mumbai Bench (hereinafter referred to as "the Tribunal"), whereby the Original Application filed by the petitioner has been dismissed.
- 3.** Apparently, there is delay of about 10 years in filing this writ petition. The only explanation for delay, which can be found in the writ petition, is in para 8.6 where the petitioner has stated that since the instant case involves continuous cause of action, the petition may be decided on merits.

4. We are afraid we cannot agree with the said submission for the reason that the cause of action to challenge the order passed by the Tribunal arose on 27th September, 2013 when the judgment was pronounced by the Tribunal. There may be continuous cause of action available to the petitioner in challenging the impugned action on the part of the respondents for seeking remedy in the Court/Tribunal of the first instance, however, once the Tribunal pronounced its judgment on 27th September, 2013, it was expected of the petitioner to have challenged the same within some reasonable time.

5. The delay in filing the instant writ petition is inordinate and unexplained.

6. Accordingly, the writ petition is dismissed on the grounds of delay and unexplained laches.

(ARIF S. DOCTOR, J.)

(CHIEF JUSTICE)

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DASHARATH
PANDIT
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