



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

990 WRIT PETITION NO. 673 OF 2018

SHRIRAM SHIVRAM KSHIRSAGAR

VERSUS

MAHATMA PHULE KRISHI VIDYAPEETH RAHURI THROUGH
ITS REGISTRAR AND ANOTHER

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Advocate for the Petitioner : Mr. Deshpande Ajay S.

AGP for Respondent/s-State : Mr. P. S. Patil.

Advocate for Respondent No.1 : Mr. Navandar Manish N.

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CORAM : S. G. MEHARE, AND
SHAILESH P. BRAHME, JJ.

DATE : 05.02.2025

PER COURT :-

1. Heard both sides.
2. The petitioner has filed this writ petition seeking direction for pay fixation and consequential benefits. He is seeking benefits on par with one Mr. M. K. Shaikh. The present petition is filed on 10.01.2018.
3. Learned counsel Mr. Navandar who has filed affidavit-in-reply on behalf of the respondent has raised preliminary objection that writ petition suffers from delay and laches. The petitioner was superannuated on 30.09.1999 and after about 18 years, he is seeking fixation of pay. It is further pointed out

that on earlier occasion, petitioner had filed writ petition No.1894 of 2005 which was dismissed on the ground of laches vide order dated 16.02.2006. Hence, it is contended that the petition cannot be entertained.

4. Learned counsel for the petitioner submits that after suffering order in writ petition No.1894 of 2005 pay fixation was done on 22.09.2006. Thereafter, the petitioner was continuously persuading the respondents by making various representations. Even reply was given by respondent on 10.05.2016. Thereafter, the petitioner has filed the present petition. It is further submitted that the petitioner is 84 years old. He has been discriminated. Therefore, petition deserves to be entertained.

5. We have considered rival submissions of the parties. Undisputedly, the petitioner attained age of superannuation on 30.09.1999. Thereafter, he had filed writ petition No.1894 of 2005 claiming deemed date of promotion with all consequential benefits including further promotion. By order dated 16.02.2006, the petition was summarily dismissed on the ground of delay and laches. Thereafter, pay fixation was done

on 22.09.2006. Though representations were made by the petitioner to the respondents, there was considerable and inordinate laches from 2008 to 2016. After 18 years, on 10.01.2018, the present petition is filed.

6. The memo of the writ petition does not disclose any explanation for delay and laches. After receiving reply also petitioner was not prompt. The petitioner had cause of action even when he had filed writ petition No.1894 of 2005. The relief claimed in the present petition and those which were claimed in earlier round of litigation are almost similar. Applying the principles of constructive res-judicata, we are not convinced to entertain the writ petition.

7. The petition suffers from huge delay and laches. We are of the considered view that this Court cannot entertain this writ petition.

8. In the above terms, writ petition stands dismissed.

(SHAILESH P. BRAHME, J.)

(S. G. MEHARE, J.)

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vmk/-