



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.14721 OF 2025

1. Pramod s/o Padmakarrao Deshmukh
Age: 64 years, Occu.: Retired Employee,
R/o. Gopaksha-89, Snehwardhini Colony,
Near Jawahar Colony, Chh. Sambhajinagar
2. Akhtar Khan s/o Usman Khan Pathan
Age: 62 years, Occu.: Retired Employee,
R/o. Plot No.8, Gut No.97, Sarosh Garden,
Misbah Colony, Mitmita Near MGM
Golf Maidan, Chh. Sambhajinagar-431005.

.. Petitioners

VERSUS

1. The State of Maharashtra
Through the Principal Secretary,
Transport Department
Mantralaya, Mumbai-400032.
2. The Vice Chairman & Managing Director,
Maharashtra State Road Transport
Corporation, Vahatuk Bhavan,
Mumbai Central, Mumbai-400008.
3. The Divisional Controller,
State Transport Divisional Office,
Samarth Nagar, Chh. Sambhajinagar.

.. Respondents

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Mr. Vasant B. Patil, Advocate and Mr. Shashikant T. Chalikwar, Advocate for the
petitioners.
Mr. A. B. Girase, Government Pleader for respondent No.1/State.

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**CORAM : SMT. VIBHA KANKANWADI &
HITEN S. VENEGAVKAR, JJ.**

DATE : 09 DECEMBER 2025

ORDER (Per Smt. Vibha Kankanwadi, J.) :-

. Heard learned Advocate for the petitioners and learned AGP for respondent No.1. There is no necessity to issue notice to respondent Nos.2 and 3.

2. The petitioners were class-II officers. They retired from MSRTC on 30.04.2019 and 30.06.2021. It is stated that due to Covid-19 pandemic situation, they being senior citizens and non availability of essential documents, they could not approach this Court earlier. It is stated by them that under the policy of MSRTC the petitioners were entitled for rent free and habitable quarter at the place of their duties. If the MSRTC is not in a position to provide quarter, then they could have taken the house on rent and in such situation, both the petitioners were entitled for House Rent Allowance and other allowances. Petitioner Nos.1 and 2 were posted as Depot Manager in Aurangabad Division. They were not allotted proper and habitable quarter. Respondent No.3 has not paid them House Rent Allowance in the salary. In case of petitioner No.2, the quarter allotted to him was inhabitable, old construction and with other shortfalls. Though time and again both of them have made representations to the higher authorities, none of them has been responded. However, general directions were given by the Chief Engineers from Mumbai Office that the Depot

Manager's quarter should be in a good position and habitable. When they have not been paid House Rent Allowance, even after their retirement, they have no choice but to come to this Court.

3. Learned Advocate for the petitioner has taken us through the documents which are mainly in the nature of the transfer order and the office communications regarding the shortfalls and then the representations. It has been stated that before they resumed the duty at Aurangabad, the House Rent Allowance is paid to them. Learned Advocate then relies on the decision in **Kishor Tukaram Somvanshi and another Vs. State of Maharashtra and others**, [Writ Petition No.453 of 2014 decided on 03.11.2014] wherein the petitioners were given the House Rent Allowance. Similar order was passed in Writ Petition No.1280 of 2014.

4. The first and the foremost fact that is required to be mentioned here itself is that the facts in the other two cases are different. Due to the communication, though the quarters were allotted to the petitioners, the said allotment was cancelled on the ground that those quarters were not in a habitable conditions and the MSRTC in another matter in Writ Petition No.1280 of 2014 admitted that the house rent has been wrongly deducted and, therefore, promised to pay back the same. Here, it is to be noted that

in respect of quarter No.1, the Depot Manager has stated that unless those repairs are conducted, the employee cannot reside in the same. Here, in the petition as well as in the documents, it is not demonstrated that which quarter was allotted to the petitioners. The fact should be accepted by the employer that the quarter which is provided to the employee is in such a bad shape that the employee cannot reside in the same. The communication would show that they have their own reasons not to occupy the same. The Depot Manager i.e. petitioner No.2 in his letter dated 19.02.2015 gave such reasons. Here, when those requests were not accepted, they ought to have then approached this Court within time. Now, when they stood retired on 30.04.2019 and 30.06.2021 and now they are coming to this Court would show that the petition suffers from delay and laches. There is no document which would show that their grievance was ever accepted by the higher authorities. If they were pursuing their grievances since 2015, then they will have to explain as to why they have not approached this Court till 2019 or 2021. In view of this fact that the matter suffers from delay and laches, we dismiss the writ petition at the threshold.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm