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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2600 OF 2025

Dnyanoba Dhondiba Kasab …Petitioner

Versus

The State of Maharashtra and others …Respondents

Mr. G.D.Kurane, Advocate for the Petitioner.

Mr. N.C.Walimbe, Additional G.P. a/w. Mrs. Rupali Shinde, AGP for the Respondents-State.

CORAM: SUMAN SHYAM &
S. M. MODAK, JJ.

DATED: 9th December 2025.

PC:-

1. Mr. Kurane, the learned counsel appears for the Petitioner and Mr. Walimbe, the learned AGP appears for the State.

2. This Writ Petition is directed against the order dated 4th January 2024 passed by the learned Maharashtra Administrative Tribunal, Mumbai in M.A. No.300/2022 arising out of O.A. No.484/2022 whereby the learned Tribunal has dismissed the Misc. Application seeking condonation of delay for 17 years in filing the original application. Consequently the original application also came to be dismissed.

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3. Mr. Kurane, the learned counsel for the Petitioner submits that the grievance of his client is pertaining to erroneous fixation of pay scale and also denial of Assured Career Progression Scheme on completion of 12 years of regular service. He submits that Petitioner will not seek payment of any arrear dues but he wants determination of his claim to be made effective prospectively. If the Petitioner is not seeking any benefit of arrear pay then in our considered opinion the question of delay may not have much relevance in the matter. However, at the same time it cannot also be denied that there was delay of 17 years on the part of the Petitioner-Original Applicant in approaching the Tribunal. There is also no sufficient explanation for the delay.

4. Viewed from that angle, we do not find any infirmity in the order of the learned Tribunal. Therefore, without interferring with the impugned order, we dispose of the writ petition by granting leave to the Petitioner to make a fresh representation before the concerned authorities, for determination of his retirement benefits based on claim for grant of ACP, on prospective basis, without claiming any arrear benefit. If such a representation is filed within six months from today, the same be considered on merits and disposed of by reasoned order.

5. The Writ Petition stands disposed of accordingly.

(S. M. MODAK, J.) (SUMAN SHYAM, J.)