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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.2035 OF 2024

SHRI. RAM S/O NARAYANRAO INDURKAR

VS

THE STATE OF MAHA. THR. SECRETARY, REVENUE AND FORESTS DEPT.
MUMBAI AND ANOTHER

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Mr. B.G. Kulkarni, Advocate for the petitioner/s
Mr. I.J. Damle, AGP for the respondent No.1 /State

CORAM : ANIL S. KILOR AND RAJ D. WAKODE, JJ.

DATE : 11.02.2026

1. Heard the learned counsel for the petitioner.
2. The petitioner, the retired employee, is challenging the order and judgment dated 08.02.2023, passed by the Central Administrative Tribunal, Camp at Nagpur, in Original Application (OA) No.2036 of 2019.
3. The contention is that the petitioner is a retired Indian Forest Service Officer, who superannuated in the year 1994 from the post of Chief Conservator of Forests (Wild Life).
4. The respondent-State of Maharashtra vide Government Resolution dated 15.01.2003, has upgraded the post of Chief Conservator of Forests to the Principal Chief Conservator of Forests (Wild Life). Accordingly, the petitioner has submitted the representation for revision of

his pay-scale of Principal Chief Conservator of Forests (Wild Life).

5. The aforesaid request was rejected by Respondent No.2 on 07.05.2014. Aggrieved by the said rejection, the present petitioner filed an Original Application (OA) No.2036 of 2019, on 14.02.2019, before the Central Administrative Tribunal, Mumbai Bench, Camp at Nagpur, along with an application seeking condonation of delay.

6. The learned Tribunal, vide order dated 08.02.2023, has rejected such application for condonation of delay by giving reasons in para 4(b) of the aforesaid order, which reads thus :

“4(b).The applicant is aggrieved of Reply of Respondent No.2 dated 07.05.2014 rejecting his request for revision of his pension for the pay scale of PCCF and has filed this O.A. only on 14.02.2019. As submitted in the O.A. and in the M.A.2052/2019 for condoning the delay, the applicant himself has admitted that there has been a delay of 3 years and 10 months in filing this O.A. While he has claimed sickness upto July, 2015, which is also not a sufficient cause to justify non-filing of the O.A., and after July, 2015 he has not assigned any justifiable reason which prevented him from approaching this Tribunal. Therefore, this M.A. having no merit deserves to be dismissed.”

7. The fact remains that the Government Resolution (GR) was issued in the year 2003, whereas the petitioner raised the claim belatedly in the year 2013, after a lapse of ten years. The said request came to be rejected by Respondent No. 2 on 07.05.2014. Thereafter, the

petitioner challenged the said decision before the learned Tribunal in the year 2019, after a further delay of five years.

8. The learned AGP, has invited our attention to the paragraph No.8 of the judgment of the Hon'ble Apex Court of India in the case of *Damor Nanabhai Manabhai & others ...vs... the State of Gujarat & Ors.* passed in **Special Leave Petition (C) No.5619 of 2024, dated 02.12.2015**, where the Hon'ble Apex Court has considered the issue regarding the stale or dead claims raised by the applicant, which is as follows:

"8. This Court has repeatedly disapproved the practice of seeking to revive stale or dead claims by the device of repeated representations, followed by a prayer for a direction to "consider" and a consequential challenge to the order passed on such consideration. In Union of India v. M.K. Sarkar, (2010) 2 SCC 59, this Court held that even where a belated representation is considered and rejected pursuant to a court's direction, the rejection does not furnish a fresh cause of action. The question of limitation, delay and laches has to be examined with reference to the original cause of action and not with reference to the date on which an order is passed on a representation in compliance with such a direction. We believe that a court or tribunal, before issuing a direction for "consideration" without examining the merits, must first satisfy itself that the claim relates to a live issue. If the claim pertains to a stale or dead issue, the court must put an end to the matter rather than enable avoidable, successive rounds of litigation."

9. Thus, the learned Tribunal for the reasons stated above, has rejected the application for condonation of delay in filing the OA. The learned counsel for the petitioner could not point out any perversity on the part of the

learned Tribunal in rejecting the application for condonation of delay.

10. Since the learned Tribunal has rejected the Original Application at the threshold on the ground of delay, we do not deal with grounds raised on merits in the present writ petition. The writ petition itself suffers from unexplained and unjustified delay and is, therefore, devoid of merits.

11. Accordingly, the writ petition is **dismissed**.

(RAJ D. WAKODE, J.)

(ANIL S. KILOR, J.)