

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1)

WP NO.10159/2014

15 WRIT PETITION NO. 10159 OF 2014

SABIR HUSAIN FAZAL ATTAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Ms.Surti Zainab M
AGP for Respondent State:Mr.S.G.Karlekar
Mr. Kakade Amol N., Adv., for R/4 And 5.

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CORAM : R. M. BORDE & P.R. BORA, JJ.
Dated: July 14, 2015

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PER COURT :-

1. The petitioner is seeking a direction against the respondents for initiating an enquiry against the management for committing irregularities in acceptance of the offer of voluntary retirement put forward by the petitioner. According to petitioner, he tendered an offer of voluntary retirement by presenting an application on 21st of July, 2007. The management, however, without waiting for mandatory period of three months, forthwith accepted the request within a week i.e. on 27th July, 2007 and relieved the employee immediately on the next date. It is not a matter of dispute that the petitioner ceases to be employment since 28th July, 2007.

2. The petitioner, inviting our attention to the Government Resolution dated 17th March, 1990, contends that it was incumbent on the part of the management to wait for three

agp/-

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months and the offer put forth by the petitioner ought not to have been accepted within a week. The Government Resolution does not indicate the entitlement of the management to accept the offer of voluntary retirement before completion of period of three months but, in the instant matter, the petitioner has not challenged the order issued on 27th July, 2007 issued by the management, accepting the offer of voluntary retirement, and relieving him from service on the next date i.e. 28th July, 2007, though cause of action, to raise a challenge, accrued to the petitioner, on 27th July, 2007 itself. However, till this date i.e. upto the year 2015, no challenge is raised to the said order allegedly issued by the management, accepting the offer of the petitioner of his voluntary retirement. Since no challenge is raised to the order, which is the basis for the relief claimed by the petitioner in the instant petition for proceeding against the management, the petition does not deserve consideration.

The petition is devoid of substance and stands rejected.

(P.R. BORA, J.)

(R. M. BORDE, J.)

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