

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

WRIT PETITION NO.243 OF 2015

[Surendra Wamanrao Deshmukh .vs. The State of Maharashtra and one]

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

Court's or Judge's orders

Shri S.J. Khandalkar, counsel for the petitioner,
Shri D.M. Kale, AGP for the respondent no.1,
Shri P.V. Thakre, counsel for the respondent no.2.

CORAM : SMT. VASANTI A. NAIK AND
N.W. SAMBRE, JJ.

DATED : SEPTEMBER 21, 2015.

Heard.

By this petition, the petitioner seeks a direction to the Chief Executive Officer, Zilla Parishad, Wardha to grant pensionary benefits to the petitioner.

According to the petitioner, the petitioner has worked with the Zilla Parishad for a little more than nine years and, therefore, the respondents ought to have considered the case of the petitioner as a special case and granted the pensionary benefits to the petitioner. It is stated that in case of yet another employee, namely Bhavika Lokhande, the Zilla Parishad has provided pension to the said employee by invoking the provisions of Rule 30 of the Maharashtra Civil Services (Pension) Rules.

The relief sought by the petitioner cannot be granted. The respondents have strongly opposed the prayer made on behalf of the petitioner. A departmental inquiry was conducted against the petitioner and the penalty of compulsory retirement was imposed on him. The petitioner had challenged the order of the compulsory retirement till the Hon'ble Supreme Court, but failed in the challenge. Since the petitioner has been compulsorily retired from service after

proof of the charges in the departmental inquiry, the petitioner cannot seek a direction to the respondent - Zilla Parishad to consider the case of the petitioner on parity with the case of Bhavika Lokhande, by taking recourse to the provisions of the Maharashtra Civil Services (Pension) Rules.

Since the relief sought by the petitioner cannot be granted in the circumstances of the case, the writ petition is dismissed, with no order as to costs.

JUDGE

Gulande

JUDGE