

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**BENCH AT AURANGABAD****WRIT PETITION NO. 11486 OF 2015**

THE STATE OF MAHARASHTRA AND OTHERS
VERSUS
SUNIL SURESH KULKARNI

...
AGP for Petitioners : Mr. S.B. Yawalkar
Advocate for Respondent : Mr. Deshmukh A.S.

...
CORAM : S.S. SHINDE & P.R. BORA, JJ.
Dated: January 21, 2016

...
PER COURT :-

Heard.

2. This Petition takes exception to the impugned judgment and order dated 15th April, 2015 passed by the Maharashtra Administrative Tribunal, Bench at Aurangabad in Original Application No. 487 of 2014.

3. We have heard the learned A.G.P. appearing for the applicant/State and the learned counsel appearing for the Respondent. Upon perusal of the reasons assigned by the Maharashtra Administrative Tribunal in the judgment, and in particular, para 10 thereof, we are of the opinion

that, the impugned judgment and order needs no interference.

4. It is not in dispute that, the petitioner gave notice for voluntary retirement on 1st November, 2013 and requested that, since the petitioner has completed 20 years service, he is entitled for voluntary retirement and hence, his request may be accepted. On 22nd November, 2013, the petitioner again written a letter to the Respondent Authority stating therein that, his father was not keeping well and he was required to visit Pune/Aurangabad frequently, and therefore, required period of voluntary retirement should be curtailed to 45 days. However, there was no reply from the Respondent. Ultimately on 29th January, 2014, the petitioner submitted application that, since no communication was received on his request application for voluntary retirement and therefore, he again requested the Government that, he be allowed to be relieved from the service after office hours on 29.01.2014. Therefore, on this admitted position that, the respondent did not reply for three months from 1st November, 2013, by invoking provisions of Rule 66 of the Maharashtra Civil Services

(Pension) Rules, 1982, the Maharashtra Administrative Tribunal has reached to the conclusion that, the petitioner in view of the provisions of said Rules stood voluntarily retired from the Government service from 29th January, 2014, after office hours. In that view of the matter, we do not find any reason to interfere in the said findings arrived at the Maharashtra Administrative Tribunal on interpretation of the provisions of Rule 66 of the said Rules.

5. So far departmental enquiry initiated by the respondent earlier about voluntary retirement of the petitioner is concerned, the same enquiry was concluded and the petitioner was exonerated from the charge. So far second departmental enquiry proposed by the Deputy Director, Health Services, Aurangabad is concerned, no charge-sheet was served on the petitioner. The petitioner has placed on record *inter se* communication between the Deputy Director of Health Services, Aurangabad to the Director, Health Services, Mumbai dated 30th December, 2013, however, nothing is brought to the notice of this Court or the Maharashtra Administrative Tribunal that, the charge-sheet was served upon the petitioner or any further

steps were taken on the *inter se* communication between two authorities for conducting enquiry against the present petitioner. In that view of the matter, we do not find any reason to interfere in the impugned judgment and order passed by the Maharashtra Administrative Tribunal. No case is made out. Petition stands rejected.

(**P.R. BORA, J.**)

(**S.S. SHINDE, J.**)

...

SGA/-