

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 11136 OF 2013**

Mr. Namdeo T. Gunjal	..	Petitioner
versus		
The Union of India & Ors.	..	Respondents

None for petitioner.
None for respondents.

**CORAM: D. H. WAGHELA, C. J. AND
M. S. SONAK, J.
DATE : 11 MARCH 2016**

P.C.:

1] None for the petitioner. However, upon perusing the impugned judgment and order as also the records, we are satisfied that this petition deserves to be dismissed on merits as well.

2] The petitioner was compulsorily retired on medical grounds on 25 June 2001. This order of compulsory retirement has not been challenged by the petitioner. Rather, the petitioner has received and continues to receive the retiral benefits, on the basis of the order dated 25 June 2001.

3] In 2004 or thereabouts, the petitioner applied for compassionate appointment for his son. In this regard, the respondents addressed a letter dated 24 June 2004 to the petitioner, which *inter alia* required the forward of latest medical report of the retired official i.e. the petitioner from the Director of Health Services, in order to enable the

respondents to decide the case as to whether the petitioner's son could be given compassionate appointment. The Director of Health Services, it appears, upon examination of the petitioner, has reported that the petitioner is medically fit. This was some time in the year 2004 itself. Thereafter, it appears that, the petitioner made representations in the year 2004 and 2005. The petitioner then instituted original application no. 383 of 2008 in the year 2009 seeking for reappointment.

4] The petitioner, by making repeated representations, cannot obviously, seek to postpone the bar of limitation. Besides, the petitioner, having failed to challenge the order of compulsory retirement made on 25 June 2001, cannot, now seek for reappointment at such a belated stage.

5] Considering the aforesaid facts and circumstances, the MAT was obviously right in holding that the original application no. 383 of 2008 instituted by the petitioner was barred by limitation and in any case lacked merit. We see no reason whatsoever to interfere with the impugned order made by the MAT. This petition is therefore liable to be dismissed not just for non prosecution but also on merits.

6] This petition is therefore dismissed. There shall be no order as to costs.

CHIEF JUSTICE

(M.S.SONAK, J.)