

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

C.A.W. NO. 668/2016 IN WRIT PETITION NO. 2558/2014
(PUSHPA DEVENDRA SOOD **VERSUS** STATE OF MAHARASHTRA & OTHERS)

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

Court's or Judge's orders

The applicant-petitioner in person.
Shri P.S. Tembhare, A.G.P. for the R-1 to 3.

CORAM : SMT.VASANTI A. NAIK AND
V.M. DESHPANDE, JJ.

DATE : APRIL 1, 2016.

By this civil application, the applicant seeks to amend the writ petition so as to challenge the order of the Director, Medical Education and Research, Mumbai, dated 30.10.2014 allowing the application filed by the applicant for voluntary retirement from service.

We find on hearing the petitioner-in-person and the learned Assistant Government Pleader and on a perusal of the writ petition as also the proposed amendment that the prayer made in the amendment application cannot be granted. By this writ petition, the petitioner has challenged the orders of the Maharashtra Administrative Tribunal dated 02.01.2014 and 07.05.2014 dismissing the original application and the review filed by the petitioner. The matter in the original application pertains to the order of transfer of the petitioner, dated 30.05.2011. The original application was dismissed by the Maharashtra Administrative Tribunal by the order dated 02.01.2014. The petition raises a challenge to the order of the Maharashtra Administrative Tribunal in which the order of transfer of the petitioner was challenged. By the proposed amendment, the petitioner is desirous of challenging the order

of the respondent no.2 accepting the voluntary retirement application filed by the petitioner. The cause for filing the writ petition and the cause for challenging the order permitting the voluntary retirement is different. The nature of the petition would stand changed if the amendment application is allowed and the petitioner is permitted to challenge the order permitting the voluntary retirement in this writ petition. Merely because some interim orders were passed in this petition and the respondent no.2 was directed to decide the application of the petitioner for grant of voluntary retirement, the order permitting the voluntary retirement cannot be challenged in this writ petition. Not only is the cause of action involved in the petition and the proposed amendment different but, it would also result in making the petition cumbersome.

Hence, we reject the prayer in the amendment application.

The petitioner is, however, free to take up appropriate proceedings to challenge the order of the respondent no.2, dated 30.10.2014 permitting the voluntary retirement, if so advised.

Order accordingly.

JUDGE

JUDGE

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