

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

WRIT PETITION NO. 519/2016

(DNYANENDRA PRALHADRAO MESHRA **VERSUS** GOVERNMENT 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

Shri S. Wahane and Shri S.S. Shirsat, counsel for the petitioner.
Mrs. K.R. Deshpande, A.G.P. for the R-1 to 3.
Shri J.B. Kasat, counsel for the R-4.

CORAM : SMT.VASANTI A. NAIK AND
MRS. SWAPNA JOSHI, JJ.

DATE : JULY 11, 2016.

By this writ petition, the petitioner impugns the order of the respondent-Municipal Corporation, dated 30.08.2015, accepting the application made by the petitioner for voluntary retirement.

According to the petitioner, the petitioner had applied for voluntary retirement from service as a Junior Engineer from the respondent-Municipal Corporation, on 02.06.2015. According to the petitioner, the application for voluntary retirement could not have been accepted by the respondent-Corporation before the expiry of the period of ninety days, i.e. three months. It is stated that by the impugned order dated 30.08.2015, the petitioner is relieved from service with effect from 30.08.2015, after accepting his application for voluntary retirement. It is stated that the order is liable to be set aside as the order of voluntary retirement is accepted before the completion of ninety days period. It is stated that criminal proceedings were pending against the petitioner when his application for voluntary retirement was accepted.

On hearing the learned counsel for the parties, we find that the petitioner is not entitled to the relief claimed. We find no error in the order of the respondent-Corporation in accepting the application for voluntary retirement. The petitioner had not made an application for withdrawal of the application for voluntary retirement during the completion of ninety days notice period nor had the petitioner applied till date, for withdrawal of the application dated 02.06.2015. If that be so, the petitioner cannot effectively challenge the order accepting the application for voluntary retirement.

Since there is no merit in the writ petition, the same is dismissed with no order as to costs.

JUDGE

JUDGE

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