

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 1479 OF 2006

The State of Maharashtra and others .. Petitioners

Versus

Baburao Changdeorao Hange .. Respondent

Shri D. R. Kale, A.G.P. for the Petitioners/State.
Shri Avinash S. Deshmukh, Advocate for Respondent.

**CORAM : S. V. GANGAPURWALA AND
MANGESH S. PATIL, JJ.**

DATE : 18TH AUGUST, 2017.

FINAL ORDER :

. The State assails the order of the Maharashtra Administrative Tribunal thereby setting aside the order dated 09.10.2003 and 31.12.2004 refusing to grant permission for voluntary retirement.

2. We have heard the learned Assistant Government Pleader for petitioners and Mr. Deshmukh, the learned counsel for the respondent.

3. It appears that, the present respondent had given a notice for voluntary retirement on 15.07.2003. The said notice was to take effect on or about 14.10.2003. The case of petitioners is that,

on 09.10.2003 it was communicated to the respondent that, the petitioners have rejected the application of the respondent seeking voluntary retirement. The Tribunal on appreciation of facts has concluded that the communication dated 09.10.2003 was never served upon the respondent herein. The date of decision also appears to be suspicious. The date as to when that communication dated 09.10.2003 was served upon the respondent is also not coming forth and what was the source of communication, whether it was registered post and hand delivery is also not made clear.

4. The Tribunal has rightly considered the said aspect. The Tribunal on appreciation of said facts on record has held that the alleged communication dated 09.10.2003 refusing to grant permission for voluntary retirement was not served upon the respondent before the end of period of notice dated 15.07.2003. In the light of the above, no error has been committed by the Tribunal. The writ petition as such is dismissed. No costs. Rule discharged.

[MANGESH S. PATIL, J.]

[S. V. GANGAPURWALA, J.]