

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

WRIT PETITION NO. 2227 OF 2017

**RADHAKISAN BAPURAO KSHIRSAGAR
VERSUS
THE UNION OF INDIA AND OTHERS**

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Advocate for Petitioner : Mr. Kakade Amol N.
Advocate for Respondent no.1 : Mr. S.B.Deshpande
AGP for Respondent/State : Mr. V.M.Kagane

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CORAM : S.V.GANGAPURWALA & K.L.WADANE, JJ.

DATED : 16th FEBRUARY, 2017

O R D E R :

Mr. Kakade, learned counsel for the petitioner submits that the case of the petitioner be considered sympathetically, more particularly, as the petitioner has put in more than 13 years of service with the respondent. For unavoidable circumstances the petitioner was required to over stay the leave. Learned counsel submits that it was for the first time in the year 2000 the petitioner was communicated that the petitioner is dismissed on 24.7.1981. According to the learned counsel, the respondents be directed to pay

pensionary benefits and pension to the petitioner.

2. Mr. Deshpande, learned A.S.G. submits that the petitioner was declared as a deserter and thereafter even criminal case was filed against him, which resulted into his conviction in the year 1981. The petitioner had participated in the said proceedings also. The petition is filed after 35 years.

3. We have considered the submissions. No provision could be pointed out to suggest that after the petitioner is declared as deserter and has been convicted under Section 10(m) of the CRPF Act, 1949, the petitioner would be entitled for pension. It is also a matter of record that as the petitioner has overstayed the court of inquiry was conducted in the Unit and the petitioner was declared deserter. The criminal proceeding resulting in conviction of the petitioner also is concluded on 24.7.1981. The aspect of delay is also not insignificant, however, even if the same

is not considered, but still no provision is pointed out wherein after the petitioner is declared as a deserter, convicted and dismissed the petitioner would be entitled for pension. In view of that, the grievance of the petitioner cannot be considered.

Writ Petition disposed of. No costs.

(K.L.WADANE, J.)

(S.V.GANGAPURWALA, J.)

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