

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

906 WRIT PETITION NO. 6310 OF 2016

RAMKRISHNA DATTATRAY MUNGIKAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Advocate for Petitioner : Mr. S.D. Joshi
AGP for Respondents: Mr. A.S. Shinde

CORAM : R. M. BORDE & P.R. BORA, JJ.
Date: March 22, 2017

PER COURT :-

1 The petitioner is objecting to the order passed by the Maharashtra Administrative Tribunal (MAT) in Original Application No.483/2015 dated 16.12.2015.

2 The petitioner tendered resignation in the year 1975 and has approached the MAT in the year 2014, seeking a direction to the respondents to consider the representations submitted by him, from time to time, for sanctioning pension and pensionary benefits. It is also prayed by the petitioner to direct the respondents to treat the resignation tendered, as an offer for voluntary retirement and grant him pensionary benefits.

3 The petitioner tendered resignation in the year 1975 which was accepted at the relevant time. The belated prayer made by the petitioner, after lapse of 40 years for considering the resignation as an offer of voluntary retirement is not liable to be considered since the petitioner has tendered resignation of his free will. In view of The Maharashtra Civil Services (Pension) Rules, the Tribunal was justified in refusing to entertain the Original Application. In exercise of extraordinary jurisdiction under article 226 of the Constitution of India, we need not interfere with the order passed by the Maharashtra Administrative Tribunal. Petition deserves to be dismissed and is accordingly dismissed.

(P.R. BORA, J.)

(R. M. BORDE, J.)