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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8286 OF 2013

Dattatraya Gamnesh Hadaye

..Petitioner

Vs.

The State of Maharashtra & Ors.

.. Respondents

Mr. Sagar A Mane for Petitioner

Mr. C.P. Yadav, AGP for State.

Mr. Naikwade A.S., Section Officer, Urban Devp. Department present.

**CORAM: R.M. BORDE AND
A.S. GADKARI, JJ.**

DATE: 02 MARCH 2017.

P.C.:

1] The petitioner is objecting to the Order passed by the Maharashtra Administrative Tribunal dated 2nd January 2013 in Original Application No.1096 of 2010 whereby his request for grant of pension has been turned down.

2] The petitioner has put in service for about 10 years, 11 months

and 27 days. He was employed as a 'Clerk' in Urban Development Department and Public Health Department. On 28th March 1963 the petitioner tendered his resignation which was accepted by the State Government. The petitioner approached the State Government for consideration of his claim of compassionate pension, however, the same was rejected. The petitioner thereafter approached the Maharashtra Administrative Tribunal for redressal of his grievance. It was also one of the contentions that, he did not intend to tender a resignation and it was an inadvertent mistake and the letter tendered by him shall not be construed as a letter of resignation.

3] The petitioner states that he is entitled to claim pension under Rule 30 read with Rule 251(2) of the Maharashtra Civil Services (Pension) Rules, 1983 since he has completed qualifying service of 10 years. However, the request of the petitioner has been turned down by the Tribunal.

4] We have perused the Judgment and Order passed by the Tribunal. We do not find any inconsistency or error in the reasons recorded by the Tribunal while rejecting the claim of the petitioner. We do not find

any substance in the petition. The petition being devoid of merits, is accordingly dismissed.

5] However, the petitioner shall have liberty to approach the State Government for consideration of his claim under Section 250(b) of the Bombay Civil Services Rules for issuance of direction for consideration of his claim for grant of compassionate pension.

6] With aforestated liberty, the writ petition is dismissed.

(A.S. GADKARI,J.)

(R.M. BORDE, J.)