

Shyamrao Baburao Shirke Petitioner.
Vs.
State of Maharashtra & Ors Respondents

Mr. Sanjeev P. Kadam for Respondent No. 3 and 4.

DATE : 9th OCTOBER, 2017.

1 We have heard Mr. Patil, learned counsel for the
petitioner, at a great length and with his assistance we have perused
the papers.

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3 The petitioner is now claiming and after the death of that employee that he was entitled to pension and allied benefits.

4 The petitioner is aware that the deceased employee was aged 39 years and 2 months as on 1st August, 1984.

5 During his service, deceased employee made no attempt to obtain any relief for himself including relaxation of the condition of age. His services could have been considered for promotion provided in terms of certain Government Resolutions and the Civil Services (provisions of upper age limit for recruitment by nomination) Rules, 1986, there was a provision to relax it.

6 The Management may have tried to help him and seeking to apply this Government Resolution but it is apparent that the case was not accepted by the Government. The communication at page 46 is but a continuation of the Government's stand throughout that the deceased cannot be extended any benefit in terms of the Government Resolution.

7 The deceased was satisfied with this position but after his death we do not see how the petitioner can obtain any relief. The reliefs were personal in nature to the deceased. They could not be obtained by the heirs and legal representatives and all the more when such grievances could have been redressed only while in service.

8 In the circumstances, we do not see any reason to interfere with the impugned letter and even as a special case as requested by Mr Patil. We do not think that we can set a precedent by directing the Government to treat any case of this nature as a special case when the law does not permit it to do so. No writ can go contrary to law and all the more in writ jurisdiction, we cannot by pass or subvert the law. In the circumstances, there is no merit in the petition. It is dismissed. No costs.

[SMT.BHARATI H.DANGRE, J.] [S.C. DHARMADHIKARI, J.]