

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

WRIT PETITION NO. 1770 OF 1997

Sadavijay S/o Bansilal Arya .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Rahul R. Karpe, Advocate for the Petitioner.

Shri S. B. Yawalkar, Addl.G.P. for the Respondent No. 1.

Shri U. K. Patil, Advocate for the Respondent No. 2.

The Respondent Nos. 3 to 5 are served.

**CORAM : S. V. GANGAPURWALA AND
SUNIL K. KOTWAL, JJ.**

DATE : 24TH JULY, 2018.

FINAL ORDER :

. Mr. Karpe, the learned counsel for the petitioner submits that, while compulsorily retiring the petitioner Rule 65 of the Maharashtra Civil Services (Pension) Rules, 1982 has been followed more in breach. The petitioner had approached the competent forum, however, the delay is not condoned. The Tribunal ought to be liberal in condoning the delay.

2. We cannot accept the submissions of the petitioner in as much as the petitioner had challenged his compulsorily retirement in Writ Petition No. 2499 of 1992. The same is

dismissed on 09.10.1992 in view of the contents of the notice dated 07.09.1992. The petitioner had approached the Supreme Court by filing S. L. P. No. 14455 of 1992. The same is also dismissed on 19.07.1993.

3. It would not be permissible for the petitioner to again approach the Tribunal for the same purpose. In view of that, the writ petition is disposed of. No costs. Rule discharged.

[SUNIL K. KOTWAL, J.]

[S. V. GANGAPURWALA, J.]

bsb/July 18

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