

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

Writ Petition NO. 2524 OF 2017

Shri. Suhas Anant Kadam

...Petitioner

Versus

State Of Maharashtra And Ors

...Respondents

Mr.Siddhesh A.Pilankar, for the Petitioner.

Mr.PPMore, AAGP, for Respondent No.1 – State.

Ms.Rebecca Gonsalvez, for Respondent Nos.2 & 3.

CORAM: *NARESH H.PATIL AND*
 G.S.KULKARNI, JJ

DATED: *13th June, 2018*

PC.:

1. Heard the learned Counsel appearing for the parties. The petitioner was serving as a clerk in Ratnagiri Labour Court. He was appointed on 18th September,1986. The petitioner has completed service of twenty four years. In the communication made by the petitioner addressed to the Administrative Judge, Labour Court, Ratnagiri, it was stated that due to blood-pressure his eyesight became weak and it was difficult for him to discharge his duties. He therefore prays for grant of voluntary retirement in accordance with the Maharashtra Civil Services

(Pension) Rules,1982. The petitioner addressed another communication dated 27th February,2012 reiterating the same request for voluntary retirement. The petitioner had also submitted a certificate issued by J.J.Hospital in support of his contention and the request made.

2. The Court Administration thereafter took necessary steps and by a communication dated 18th June, 2012 from the President, Industrial Court, Maharashtra, the request made by the petitioner was accepted and he was allowed to retire in accordance with the Maharashtra Civil Services (Pension) Rules,1982. A communication from the Labour Court, Ratnagiri was also issued on 20th June,2012. All these documents are annexed to the reply filed by the High Court administration.

3. The learned Counsel for the petitioner submits that in accordance with the provisions of Section 47 of the Persons With Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (for short 'the Act of 1995'), the petitioner could be allotted suitable work/job in the establishment instead of retiring him on his disability of low vision. The learned Counsel, therefore, prays for

necessary direction to the respondents to allow re-employment to the petitioner.

4. The learned Counsel for the High Court administration placed reliance on the affidavit-in-reply and the annexures and the relevant documents placed on record. According to the learned Counsel, the petitioner requested for voluntary retirement in view of his health condition and accordingly the administration had accepted and allowed his application and retirement benefits were also given to the petitioner which he had withdrawn. In the facts, the learned Counsel submits that no case is made out for consideration under the provisions of the Act of 1995. The petition has been filed after about five years of taking voluntary retirement by the petitioner.

5. Perused the record, affidavits-in-reply filed by the State and the High Court administration. We find substance in the submissions advanced by the learned Counsel for the High Court administration. It was the petitioner's request for getting voluntary retirement according to the Maharashtra Civil Services (Pension) Rules, 1982. The petitioner has approached this Court at a belated stage with a request which cannot be

looked into in the facts of the case. The petitioner has made request for voluntary retirement which was granted and the petitioner has availed of the benefits of retirement.

6. There is no merit in the petition. It is dismissed.

(G.S.KULKARNI, J.)

(NARESH H. PATIL, J.)