

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
W.P. NO. 11455 OF 2015**

Shri. C.H. Venkaba Das
Age Adult, Occ: Retired,
r/o 8, Jyoti Building,
Rambaug Lane NO.4,
Kalyan West-421301 Dist.Thane .. Petitioner

Vs.

The State of Maharashtra and
Others .. Respondents

....

Mr. Sagar A. Mane Advocate for the Petitioner
Mr. C.P. Yadav AGP for Respondent - State

....

**CORAM : SMT.V.K.TAHILRAMANI ACTING C.J.
AND M.S.SONAK, J.
DATED : JUNE 04, 2018**

ORAL ORDER [PER SMT. V.K.TAHILRAMANI, ACJ.]:

1 Heard the learned counsel for the petitioner and the
learned AGP for the Respondents.

2 Rule. By consent, Rule is made returnable forthwith
and the matter is finally heard.

3 The petitioner is appointed as an Oversear (Junior
Engineer) in the Public Works Department at Jalgaon on

21.12.1963 and he was working upto 31.1.1980. Thereafter, he resigned from service. According to the petitioner, in 2011, he came to know that even if a Government servant has resigned, he is eligible to get pension if he has rendered more than 10 years of service, hence, the petitioner preferred Original Application No. 1105 of 2012 before the Maharashtra Administrative Tribunal Bench at Mumbai seeking grant of pensionary benefits under the Maharashtra Civil Services (Pension) Rules, 1982. As there was delay of 32 years in preferring the Original Application, the petitioner preferred Misc. Application No. 524 of 2012 for condonation of delay. The said application came to be dismissed, hence, this petition.

4 For explaining the delay of 32 years in preferring the Original Application, the petitioner has claimed that he came to know from the newspaper reports that those employees who have resigned after rendering ten years of service, are eligible to get pensionary benefits, hence, he preferred Original Application before the Tribunal. The petitioner also relied on a judgment of the Supreme Court in ***M/s. J.K. Cotton Spinning and Weaving Mills Co. Ltd. Vs. State of Uttar Pradesh and***

others reported in **AIR 1990 SC 1808**. As far as the decision in M/s. J.K. Cotton (supra) is concerned, it relates to interpretation of labour laws under the Industrial Disputes Act and it has no application in the present case which is a service matter. As far as the case of the petitioner that he came to know from newspaper reports that employees who resigned after rendering ten years of service, are eligible to get pensionary benefits, hence, immediately after that he preferred the Original Application, it is seen that it is an admitted fact that in the Original Application the name of the newspaper nor the date on which the news item was published nor any other particulars have been given. Looking to these facts, we are of the opinion that the Tribunal was not in error in observing that no reasonable or plausible explanation has been given for the delay in preferring the Original Application after 32 years of resignation. In this view of the matter, we are not inclined to interfere, hence, Rule is discharged. Petition is dismissed.

M.S.SONAK, J.

ACTING CHIEF JUSTICE