

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
Writ Petition NO. 11580 OF 2015

Narayan Ganpat Shinde

...Petitioner

Versus

The Registrar General
And Ors.

...Respondents

....

Mr. Harshad M. Inamdar, Advocate for the Petitioner.

Mr. S.R. Nargolkar, Advocate for the Respondents.

....

CORAM : R.M. BORDE &

R. G. KETKAR, JJ.

DATE : 23rd JANUARY, 2018

PC.

The petitioner was an employee of the subordinate judiciary working as a Bailiff in District Court, Thane. A departmental enquiry was initiated against him for the misconduct on his part and with a view to impose major penalty. The petitioner attained age of 55 years in the year, 2015 and as such the Committee headed by the District Judge took a decision to take review of the service record and directed compulsory retirement of the petitioner. The petitioner was held eligible to receive three months wages by dispensing with three months' notice period and was directed to retire compulsorily by an order dated 11.6.2015.

2. In view of the order directing compulsory retirement of the petitioner, the enquiry proceedings were closed. The petitioner has raised challenge to the order passed by the District Judge, Thane on

11.6.2015 directing his compulsory retirement by preferring an administrative appeal to the High Court and the appeal is stated to be pending.

3. The Counsel appearing for the petitioner, on instructions, informs that he would withdraw the appeal presented by him raising challenge to the order of compulsory retirement passed by the District Judge, Thane on 11.6.2015.

4. In view of the above, necessary steps shall be taken by the petitioner within a period of 15 days from today. Subject to withdrawal of the appeal, the claim of the petitioner for release of pensionary benefits and the regular pension shall have to be considered by the respondent High Court and the State Government. The respondents are directed to take steps for releasing the pensionary benefits accruable to the petitioner subject to withdrawal of the administrative appeal tendered by him raising challenge to the order passed by the District Judge, Thane dated 11.6.2015.

5. With directions as above, the Writ Petition is disposed of.

(R. G. KETKAR, J.)

(R.M. BORDE, J.)