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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 1525 OF 2016**

Surendra Kumar Seth

..Petitioner

vs.

The Director General of Security

Ministry of Home Affairs & anr.

..Respondents.

.....
Mr. C.R. Sadasivan for petitioner.

Mr. P.M. Palshikar for respondents.
.....

**CORAM : RANJIT MORE &
M.S.KARNIK, JJ.**

DATE : 6th NOVEMBER, 2019

P.C.:-

Heard.

2. The petitioner has filed this Petition for the following reliefs :

“a) That in exercise of its jurisdiction under Article 226 of the Constitution of India this Hon’ble Court may be pleased to issue a writ of mandamus or a writ in the nature of mandamus or any other appropriate writ, direction or order directing Respondents Nos. 1 & 2 to determine the pension and gratuity payable to the

Petitioner in respect of his service and release the monthly pension within a period of four weeks.

b) That in exercise of its jurisdiction under Article 226 of the Constitution of India this Hon'ble Court may be pleased to issue a writ of mandamus or a writ in the nature of mandamus or any other appropriate writ, direction or order directing Respondents Nos. 1 & 2 to release the arrears of Pension from January 1988 till the month from which the monthly pension is commenced within a period of four weeks.

c) That in exercise its jurisdiction under Article 226 of the Constitution of India this Hon'ble Court may be pleased to issue a writ of mandamus or a writ in the nature of mandamus or any other appropriate writ, direction or order directing Respondent Nos. 1 & 2 to release the full amount of Gratuity due and payable to the Petitioner without any deduction within a period of four weeks.

d) That in exercise its jurisdiction under Article 226 of the Constitution of India this Hon'ble Court may be pleased to issue a writ of mandamus or a writ in the nature of mandamus

or any other appropriate writ, direction or order directing Respondent Nos. 1 & 2 to release all the amounts due to the Petitioner on various accounts set out herein-above at paras. 12 & 13 with interest at the rate of 18% per annum from the date the amounts became due till payment.”

3. The petitioner was serving as a Company Commander, Sashastra Seema Bal Force HQ, New Delhi. However, his services were terminated on the ground of absenteeism for 4 years 7 months and 16 days. The record shows that the petitioner filed representation in the year 1988 before the Hon’ble President of India.

4. Be that as it may, the petitioner subsequently filed the representation before the Government of India in Ministry of Home Affairs on 8/3/2015 to convert the penalty of dismissal to the one of voluntary retirement. This representation was also dismissed in the year 2015 on the ground of inordinate delay.

5. The petitioner has not challenged the rejection of his representation to convert the penalty of dismissal in

voluntary retirement in present Petition. As on today, dismissal order of the petitioner has become final and not disturbed by any authority. We are, therefore, unable to grant the reliefs claimed in the Petition. The Petition is without any merit and same is accordingly dismissed.

(M.S.KARNIK, J.)

(RANJIT MORE, J.)

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