

JPP

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION***

WRIT PETITION NO. 2759 OF 2016

Mr. K.G. Korgaonkar

... Petitioner.

V/s.

The Registrar, University of Mumbai & Anr.

... Respondents.

Mr. M.S. Lad for the Petitioner.

Mr. Rui Rodrigues for Respondent 1.

***CORAM : PRADEEP NANDRAJOG, C.J. &
N.M. JAMDAR, J.***

DATE : 12 JUNE 2019.

P.C. :-

We have perused the Petition and find the same to be completely speculative. Case of the Petitioner is that he has joined as Laboratory Assistant in the Department of Chemistry of Bombay University and resigned after 14 years and 6 months. The resignation was in December 1982. He pleads that he came across a judgment dated 17 August 2014 in Writ Petition No. 8484 of

2003 and as per said judgment he would be entitled to pension on account of having served for 10 years.

2. The judgment referred to is a order which reads as under :-

“ By the petition the State of Maharashtra challenges the order passed by the Maharashtra Administrative Tribunal directing grant of pension to the present respondent.

2. We have perused the order. There is no legal or jurisdictional error committed by the Tribunal in granting pensionary benefit to the respondent. The question whether he has completed required number of years as a service under the State was not raised before the Tribunal and even if it is so raised, the respondent is of 10 years according to the learned AGP.

3. There is no substance in the petition and it is rejected.

4. Certified copy expedited.”

3. Sufficient it to state that the order relied upon does not even remotely suggest that a person who resigns on rendering service after 10 years is entitled to pension.

4. The generic concept of a law is that a resignation from the service, unless it is a technical resignation entails forfeiture of past service. An employee who had rendered pensionary service can seek voluntary retirement.

5. The Petition is hit by delay as well. It is filed after 35 years of the resignation.

6. As drafted, we find no actionable averments made in the Writ Petition entitling the Petitioner to any relief. The Petition is dismissed.

N.M. JAMDAR, J.

CHIEF JUSTICE