

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.222 OF 2022

**GANGADHAR ANANDA SHELKE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...
Advocate for the Petitioner : Shri Jayabhar Dattatraya R.
AGP for the Respondents/State : Shri P.S. Patil
...

**CORAM : RAVINDRA V. GHUGE
&
SANJAY A. DESHMUKH, JJ.**

DATE :- 10th October, 2022

Per Court :-

1. The petitioner is an 81 years old person. He claims to have joined employment with respondent No.2/ New Law College at Ahmednagar, as a Night Watchman on 10.04.1984. On account of his continued absence, the Principal of the New Law College issued the relieving order dated 31.12.1999 thereby, relieving him from duties w.e.f. 31.12.1999. There is another office order dated 20.01.2003 addressed to the petitioner by the Principal of the Arts, Commerce and Science College, Ahmednagar stating therein that he was unauthorizedly absent from 21.11.2002. Therefore, in the light of regulation 50 of the

Standard Code of 1984, he was relieved from employment w.e.f. 21.11.2002.

2. The petitioner has tendered the representation dated 29.01.2013 to the Principal of the Arts, Commerce and Science College, Ahmednagar, claiming pension.

3. We find from Rule 30 of the Maharashtra Civil Services (Pension) Rules, 1982 that the qualifying service for pension is 20 years. It also cannot be overlooked that the appointment of the candidate must be on permanent vacant post and the said post must be 100% grant in aid. Considering the pleadings before us, we find that this petition does not address the relevant issues.

4. The learned advocate for the petitioner submits that the Arts, Commerce and Science College, Ahmednagar, be directed to decide the representation dated 29.01.2013.

5. It is well settled that the filing of a representation, neither condones the delay nor creates new cause of action. It also appears from the pleadings that the petitioner has not completed 20 years of qualifying service.

6. In view of the above, this Writ Petition is disposed off.

7. We would request the Principal of the Arts, Commerce and Science College, Ahmednagar, in consultation with the Principal of the New Law College, Ahmednagar, to take a call on the representation filed by the petitioner dated 29.01.2013, by considering the relevant provisions of law. We make it clear that we have not expressed any opinion about the merits of the claim of the petitioner.

kps

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE, J.)