

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.6619 OF 2021

Mr. Vitthal Ramchandra Pachakawade ...Petitioner
Vs.
The State of Maharashtra and Ors. ...Respondents

Mr. Shankar Katkar with Ms. Padmaja Malgaonkar for the Petitioner.
Smt. S. S. Bhende, Assistant Government Pleader for the Respondent-State.
Mr. P. B. Deo with Ms. Priya Deo for Respondent No.4.
Ms. Shaba N. Khan i/b Mr. Mihir Govilkar for Respondent No.7.

**CORAM : NITIN W. SAMBRE &
SHARMILA U. DESHMUKH, JJ.**

DATED : 6 DECEMBER 2022.

P. C. :

Heard.

2. The challenge in the petition is to the order dated 22/5/2018 passed by Respondent No.4 whereby the Petitioner was superannuated on 31/5/2018 after having completed 58 years.

3. The Petitioner has claimed that directions need to be issued to Respondent No.3 – the Director Technical Education to continue the Petitioner in the services of Respondent No.5 – Polytechnic College up to completion of age of 60 years. He has also claimed that relevant financial

benefits be released in his favour by considering his age of retirement as 60 years as he cannot be faulted for early retirement. So as to substantiate the said claim, he has placed reliance on Government Resolution dated 05/03/2011. Counsel for the Petitioner would further urge that this Court in the matter of *Lalit Rajendra Gajanan vs. Vidyavardhani and Ors.* decided on 29/10/2021 in Writ Petition No.3125 of 2020 has already granted similar relief. As such, according to him, issue is squarely covered by the law laid down in the aforesaid judgment.

4. Learned counsel for the Respondent opposes the prayer and submits that the said petition is liable to be dismissed as the Petitioner has already completed age of 60 years way back in the year 2020.

5. We have appreciated the said submission. The Petitioner was superannuated vide impugned order dated 22/5/2018 issued by Respondent No.4-Management, having completed the age of 58 years. Even if it is presumed that post retirement, the Petitioner has approached to the various authorities based on GR dated 5/3/2011 so as to claim continuation in service up to the age of 60 years, the fact remains that the Petitioner has approached this Court at belated stage in 2021. By the time the Petitioner has approached this Court he has already completed the age of 60 years.

6. In the aforesaid backdrop, Petitioner's claim for reinstatement cannot be granted. However, in the said case, the Petitioner was continued in service as per the orders of this Court and as such, this Court protected

services of the Petitioner therein.

7. In the aforesaid backdrop, it cannot be said that prayer of the Petitioner for reinstatement can be granted. That being so, Petition stands dismissed.

8. However, considering the fact that this Court has adjudicated claim of similarly placed person in Writ Petition No.3125 of 2020 in the matter of *Lalit Rajendra Gajanan*, cited supra, making the rule absolute after the Petitioner therein was continued in service under the orders of this Court, we grant liberty to the Petitioner to approach Respondent No. 4 – Management so also Respondent No.3 - the Director Technical Education, keeping in view the government policy reflected in Government Resolution dated 05/03/2011 so also judgment in the matter of *Lalit Rajendra Gajanan*, cited supra. If such representation is preferred by the Petitioner within four weeks, we direct Respondent Nos. 3 and 4 to deal with the same expeditiously and in any case within a period of 10 weeks from the date of receipt of such representation.

(SHARMILA U. DESHMUKH, J.)

(NITIN W. SAMBRE, J.)