

jvs

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

SALUNKE
J V

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WRIT PETITION NO. 16089 OF 2022

Ashok Shankarrao Mane	}	Petitioner
Versus		
The State of Maharashtra	}	Respondents

Mr. Vinod Joshi for the petitioner.

Mr. N. K. Rajpurohit, AGP for State.

**CORAM: S. V. GANGAPURWALA, Act.CJ.&
SANDEEP V. MARNE, J.**

DATE: FEBRUARY 10, 2023

P.C.:

1. The petitioner has filed original application before the Maharashtra Administrative Tribunal, Mumbai (for short “the Tribunal”) claiming pension. Along with the application, the petitioner had filed application for condonation of delay. That is rejected. Aggrieved thereby, the present petition.

2. Mr. Joshi, learned advocate for the petitioner submits that in fact, there is no delay. The petitioner was all the time prosecuting with the respondent for grant of pension. Rules 30, 57 and 110 of the Maharashtra Civil Services (Pension) Rules, 1982 (for short “Pension Rules”) entitle an ad-hoc employee, who has rendered service of 14 years, for pension. The said aspect needs to be considered. Even if the services are not regularized, under Rule 57 of the Pension Rules, such service is to be counted as half for the purpose of pensionary benefits. The learned advocate relies upon Rule 110 of the Pension Rules and submits that even compassionate pension can be awarded in such cases.

3. We have heard Mr. Rajpurohit, learned AGP, for State.
4. In fact, the petitioner ought not have filed the original application. The petitioner earlier had filed Original Application No. 1002 of 2011 after he attained the age of superannuation in the year 2008. In the said Original Application No. 1008 of 2011, the petitioner had claimed relief of regularization and also pension. The Tribunal, in its judgment dated 4th February 2015 rejected Original Application No. 1002 of 2011. The petitioner challenged the said judgment by filing Writ Petition No. 9310 of 2015. The Division Bench of this Court, under judgment dated 3rd April 2018, dismissed the writ petition by a speaking order holding that the petitioner is not entitled for pension. The said judgment has attained finality.
5. In light of the above, it would not be open for the petitioner again to reagituate the same grievance by filing another original application.
6. In light of that, no case for interference is made out. The writ petition is dismissed. No costs.

(SANDEEP V. MARNE, J.)

(ACTING CHIEF JUSTICE)