

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

WRIT PETITION NO. 16050 OF 2022

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Kalyan Bagade

..... Petitioner

Vs.

Union of India & Ors.

..... Respondents

Mr. Kanhaiya S. Yadav for the Petitioner

None for the Respondents

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

DATED : JANUARY 31, 2023

P.C.

1. The learned Counsel for the Petitioner submits that the Petitioner was removed from service after putting in more than 10-12 years service. According to the learned Counsel, in the case of similarly situated employee the Respondents converted his punishment of removal into compulsory retirement. The Respondents ought to have adopted the same recourse in case of the Petitioner. The learned Counsel submits that the Petitioner is also acquitted in the criminal case. This aspect needs to be considered. According to the learned Counsel, the Petitioner can be awarded compassionate pension. The learned Counsel refers to Rule 65 of the Railway Services (Pension) Rules, 1993. The learned Counsel

submits that the representation is also given by the Petitioner, however, the Respondents are not considering the same.

2. The punishment of removing the Petitioner from service was imposed in the year 1988. The appeal and the revision filed by the Petitioner are dismissed. The Petitioner also filed Writ Petition before this Court bearing Writ Petition No.4222 of 1992. The Division Bench of this Court, under order dated 11th January 1994 dismissed the Writ Petition upholding the punishment imposed upon the Petitioner.

3. When this Court has already upheld the order removing the Petitioner from service in the year 1994, it would not be possible to consider the request of the Petitioner. The Petitioner was acquitted in the year 1988, still this Court, in the year 1994 confirmed the punishment imposed upon the Petitioner removing from service. The representation is also given by the Petitioner in the year 2004. It would be too late in the day to pass any order in the present Writ Petition.

4. The Writ Petition is disposed of. No costs.

(SANDEEP V. MARNE, J)

(ACTING CHIEF JUSTICE)