

Pdp

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

WRIT PETITION NO. 680 OF 2023

Shankar Babu Kadam

.. Petitioner

Versus

**The Commissioner, Municipal
Corporation of Gr. Mumbai**

.. Respondent

Mr. Suresh A. Ghamre for petitioner.

Mr. R. Y. Sirsikar for respondent/MCGM.

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

DATE: MARCH 1, 2023

P.C.:

- 1.** Heard the learned advocate for the petitioner.
- 2.** The petitioner is challenging the order of premature retirement dated 30th June, 2010. The learned counsel for the petitioner submits that the petitioner was eventually acquitted in the criminal case filed against him in the year 2013. The order of premature retirement is illegal. The failure report had been filed. Thereafter, the petition is filed before this Court.
- 3.** The learned counsel for the petitioner submits that petitioner ought to be deemed to have been retired on 31st May, 2013. However, without authority and illegally, the petitioner is made to retire prematurely under order dated 30th June, 2010.
- 4.** After attaining the age of 55 years, the evaluation of the performance has been done and the petitioner has been made to retire from the municipal service with effect from 1st October, 2010. The same was within the right of the respondent.

5. The respondent had not prematurely retired the petitioner on the ground that the criminal case was pending against him; however, upon completion of 55 years of age and upon evaluation of the performance. It is admitted that the petitioner had received all the pensionary and retiral benefits also long back. The impugned order is passed on 30th June, 2010.

6. Considering the aforesaid circumstances, no case is made out for interference. The writ petition is disposed of. No costs.

(SANDEEP V. MARNE, J.) (ACTING CHIEF JUSTICE)

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DASHARATH
PANDIT
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