

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION 1135/2021

GIRISH DAMODAR GOLE
VS
GOVERNMENT OF INDIA AND ANOTHER

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mrs. Sneha S. Dhote, Advocate (Appointed) for the petitioner
Ms. Mugdha Chandurkar, Advocate for the respondents

**CORAM : ROHIT B. DEO AND
MRS. VRUSHALI V. JOSHI , JJ.**

DATED : 18/04/2023

The petitioner is assailing the judgment dated 06.08.2010 rendered by the Central Administrative Tribunal, Mumbai (for short the "CAT") whereby the claim of the petitioner that the resignation has been withdrawn and, therefore, is entitled to reinstatement with continuity in service, is rejected. The petitioner sought review, which review application, the CAT dismissed on 20.09.2010. It is after eleven years or thereabout that the petitioner has approached us in writ jurisdiction.

2. We note that the alleged cause of action arose in the year 1995 and the CAT was approached in the year 2008.

3. The petitioner was working as Lower Division Clerk (LDC) with the Central Excise Department since 1986 and

was promoted as Upper Division Clerk (UDC) in 1990 and then as Tax Assistant in the year 1993. He submitted resignation letter dated 11.10.1995. We may extract the relevant portion of the resignation letter dated 11.10.1995, which reads thus:-

“It is respectfully submitted and requested that this resignation letter be accepted in the interest of my personal development from the Afternoon of today i.e. 11.10.1995. I may be relieved of my duties, besides ordering payment of all dues to me.

Awaiting appropriate orders”.

4. The Department accepted the resignation letter immediately, as requested and informed the petitioner accordingly.

5. The petitioner later-on claimed that since he was accused of certain irregularities, he was mentally disturbed and it is in such state of mind that he resigned. He submitted letter dated 26.10.1995 seeking to withdraw the resignation, which was not entertained.

6. The petitioner waited till 2008 and then approached the CAT. The CAT noted the inordinate delay. The CAT, however, also considered the grievance of the petitioner on merits. The CAT considered the averments in the application which are to the effect that the petitioner was not permitted to do any work after 11.10.1995, and held that it is clear that the petitioner was relieved from

duty on 11.10.1995. The CAT considered the Pension Rules and the Government Circulars and the decision of the Hon'ble Supreme Court in *State of M.P. Vs. S.S. Rathore [AIR 1990 SC 10]*.

7. The CAT did not find any substance in the grievance and nor do we.

8. The grievance of the petitioner, which was raised before the CAT was belated and the application ought to have been dismissed on that ground alone. The laches stand aggravated by the fact that the order of the CAT rendered in the year 2010 is challenged before us in 2021 and again the petitioner is guilty of laches.

9. The delay and laches apart, even otherwise, we do not find any substance in the grievance.

10. The petition is dismissed. No costs.

11. Fees of the Appointed Counsel, Mrs. Sneha S. Dhote, be quantified and paid in accordance with the rules.

(MRS. VRUSHALI V. JOSHI, J.)

(ROHIT B. DEO J.)

SANDIP
MAHADEV
GATE

Personal Assistant to the
Hon'ble Judge
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