

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.1083 OF 2024

Mr. Arun Namdev Ingavale

...Petitioner

V/s.

The Secretary, through Shri Ganga
Bhagirathi Shikshan Prasarak
Mandal, Savarde and Ors.

...Respondents

Mr. Aditya Raktade with Mr. Dnyanesh Patil for the Petitioner.

Mr. Utkarsh Desai i/b. Mr. Prashant Bhavkar for Respondent
Nos.1 and 2.

Mrs. V.S. Nimbalkar, AGP for Respondent Nos.3 and 4.

CORAM : SANDEEP V. MARNE, J.

Dated : 10 January 2025.

P.C. :

1) Petition challenges order dated 10 December 2019 passed by the learned Presiding Officer, School Tribunal, Kolhapur, rejecting the Application filed by Petitioner seeking condonation of delay in filing Appeal to set up a challenge to the alleged order of termination dated 16 August 2013.

2) It must be observed at the very outset that the whole claim of the Petitioner that his services were terminated on 16

August 2013 appears to be totally dishonest. It appears that Petitioner was attempting to seek pensionary benefits on the ground that he had opted for voluntary retirement. This is apparent from the proposal for pension of the Petitioner, which was processed by the Indian Audit and Accounts Department, Office of the Accountant General on 18 August 2015. The Pension case of the Petitioner apparently rejected observing that he was on medical leave for more than 5 years, which required administrative sanction from Mantralaya. After rejection of the pension proposal on 18 August 2015 it appears that the Petitioner kept on pursuing proposal for pension. This is apparent from letter dated 27 August 2018 of Education Officer (Secondary), Zila Parishad, Kolhapur, by which the Headmaster was directed to take appropriate action in the matter of voluntary retirement of the Petitioner. The said letter dated 27 August 2018 indicates that Petitioner had applied under the Right to Information Act, 2005 before the Education Officer, Kolhapur, in connection with the hearing so conducted on 10 August 2018 and letter dated 27 August 2018 was addressed by the Education Officer to the Headmaster on account of Headmaster's absence for hearing conducted on 10 August 2018. Copy of the letter dated 27 August 2018 was also addressed to the Petitioner. Petitioner has conveniently suppressed the correspondence made by him to various authorities in connection with his claim for voluntary retirement. It appears that one of the communications made by him subsequently on 5 January 2021 is on record, which again shows that the Petitioner

had threatened self immolation if his pension proposal was not sanctioned consequent to his voluntary retirement. Letter dated 2 November 2019 issued by the Deputy Director, Education, Kolhapur Division, Kolhapur, also suggests that Petitioner had submitted application to the Prime Minister on 4 June 2019 complaining about non-receipt of pension upon his alleged voluntary retirement.

3) Petitioner was working as a Clerk in the School and is bound to know the consequences of actions taken by him. This Court does not appreciate the conduct of the Petitioner in first pursuing the proposal for pension consequent to his alleged voluntary retirement and thereafter to take *volte face* and raise a claim of illegal termination of his service w.e.f. 16 August 2013. Curiously, in his Application for condonation of delay Petitioner has suppressed pleadings with regard to efforts taken by him for securing pension consequent to his alleged voluntary retirement.

4) In my view, therefore, no case was made out for condoning the delay in filing Appeal against the alleged termination order dated 16 August 2013. In fact, the whole story of the Petitioner about alleged termination w.e.f. 16 August 2013 runs counter to his contention that he opted for voluntary retirement and is entitled to pension.

5) Conduct of the Petitioner has been such that this Court would have been justified in imposing exemplary costs on the

Petitioner while dismissing the present Petition. However, considering the fact that Petitioner is out of job, this Court is not imposing costs on him.

6) Writ Petition is misconceived and is liable to be dismissed. It is accordingly dismissed, without any orders as to costs.

[SANDEEP V. MARNE, J.]