IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 13581 OF 2016

Shri. Rangarao Yashwant Patil ...Petitioner

Versus

The State of Maharashtra and Another ...Respondents

Mr. Lengare Y. B. (Through V.C.) a/w Mr. Rutik Kashid for the Petitioner.
Mr. A.P. Vanarase, AGP for the Respondent-State.

CORAM : SHARMILA U. DESHMUKH &
ABHAY J. MANTRI, JJ.

DATE : OCTOBER 28, 2026

P. C. :

1. By the present Petition, the Petitioner seeks a declaration that the Petitioner is entitled to pensionary and gratuity benefits from the date of his resignation and to sanction the pension and gratuity under the Maharashtra Civil Services (Pension) Rules, 1982.

2. The Petitioner was serving with the State Reserve Police Force and resigned on 6th February, 2001. On 10th February, 2001, his resignation was accepted and he was relieved from service with effect from 6th February, 2001.

3. Subsequently, the present Petition has been filed in the year 2016, i.e. after a lapse of almost 15 years, claiming pension and gratuity

on the ground that he has completed 17 years of service.

4. Learned counsel appearing for the Petitioner would rely upon Rule 110 of the Maharashtra Civil Services (Pension) Rules, 1982 to contend that the qualifying service for the purpose of pension will be 10 years and as the Petitioner has served for about 17 years, he is entitled to pension. He would further rely upon Clause 5.1 of the Government Resolution dated 30th October, 2009.

5. We have perused the applicable Rules as well as the Government Resolution dated 30th October, 2009. Rule 110 of the MCS (Pension) Rules, on which reliance is placed by learned counsel for the Petitioner, does not apply to the Petitioner's case inasmuch as it provides that where a Government servant retires on superannuation, retires invalid before completing qualifying service of 10 years, the amount of service gratuity shall be calculated at the rate of half month's pay for each completed six-month period of qualifying service. The provision applies for payment of gratuity where the Government servant retires either on superannuation or is retiring invalid, and will not apply to the case of the Petitioner who has resigned from service in the year 2001 and seeks pension.

6. Rule 110(2)(a) and (b) speaks of qualifying service, and in the present case, admittedly, the Petitioner has not completed the qualifying service.

7. In so far as the reliance placed on the Government Resolution dated 30th October, 2009 is concerned, Clause 5.1 applies where the Government servant retires from 27th February, 2009. In the present case, the Petitioner has not retired, but has resigned, and has resigned prior to 27th February, 2009, which is relevant date in Clause 5.1.

8. As the relief sought by the Petitioner is not supported by any statutory provisions, we are not inclined to allow the Petition.

9. The Petition stands dismissed.

[ABHAY J. MANTRI, J.] **[SHARMILA U. DESHMUKH, J.]**