



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.
WRIT PETITION NO. 14 OF 2026

Union of India, Ministry of Defence **Vs.** Dnyaneshwar Shamrao Motharkar

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. S.A. Chaudhari, Advocate for the Petitioner.

CORAM : ANIL S. KILOR AND RAJ D. WAKODE, JJ.

DATE : 5th JANUARY, 2026.

On 1st April, 2014, because of some family problems, the respondent tendered an application for voluntary retirement, which was accepted on 15th May, 2014. However, prior thereto, on 29th April, 2014, the respondent had submitted an application for withdrawal of the said request for voluntary retirement.

2. Subsequent to acceptance of application for voluntary retirement, considering the respondent's application for withdrawal, the order dated 15th May, 2014 was withdrawn and the respondent was reinstated in service.

3. However, after a lapse of about seven years, on 15th March, 2021, the earlier order withdrawing the order dated 15th May, 2014 came to be revoked.

4. The learned Tribunal, while allowing the original application preferred by the respondent challenging the orders dated 15th March, 2021 and 19th March, 2021, has recorded the following observations:

"12. It is pertinent to note that the order of revocation does not mention the date of application for withdrawal of VRS. They have mentioned that the individual is hereby reinstated on duty w.e.f. 17th August, 2014 based on his withdrawal notice. The competent authority has not mentioned the date of notice of withdrawal. The

applicant has alleged that he had tendered the application on 29th April, 2014 and he has tendered affidavit of the concerned officer also to that effect. And the order accepting VRS was passed on 15th May, 2014. Therefore, the probability is in favour of the applicant to the effect that the order dated 21st August, 2014 for revocation of VRS was passed on the basis of the application dated 29th April, 2014.

13. *Even if it is accepted for the sake of argument that the application was received on 29th May, 2014, the respondents do not stand to gain. The competent authority is within its right to revoke the order of voluntary retirement on subsequent representation. Therefore, once this discretion was exercised by the competent authority, it was not proper on the part of the respondents to review the order and set aside the order dated 21st August, 2014 after seven years, i.e. on 19th March, 2021. In these circumstances, the order of the respondents dated 19th March, 2021 was wholly unwarranted specially when the applicant had rendered seven years of service thereafter that too without issuing any show cause notice to the applicant.*

14. *In these circumstances, we do not find that the order passed by the respondents dated 19th March, 2021 was legal and proper. Hence, we deem it appropriate to pass the following order:*

(i) OA is allowed. Orders dated 15th March, 2021 and 19th March, 2021 are set aside.

(ii) The respondents shall pay 40% backwages to the applicant from 20th March, 2021 till today.

(iii) Prayer of interest is rejected.”

5. Having gone through the aforesaid observations and considering the fact that the petitioners had no power to review its order and to revoke earlier order dated 15th May, 2014, we are of the opinion that the learned Tribunal has not committed any error in allowing the application. Accordingly, the writ petition is **dismissed**. No costs.

(RAJ. D. WAKODE, J.)

(ANIL S. KILOR, J.)