Thakure.

[Spl/MAT/F-5/E]

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI BENCH

NO.MAT/MUM/JUD/ 318 /2016
Maharashtra Administrative Tribunal
Pay & Accounts Barrack Nos.3 & 4,
Free Press Journal Marg,
Nariman Point, Mumbai 400 021.
Date : 27 JAN 2016

ORIGINAL APPLICATION NO. 1079 OF 2015.

1 Dr. Shailejkumar K. Mane,
R/at. A/P. Takari, Tal. Walwa, Dist. Sangli.

........**APPLICANT/S.**

VERSUS

1 The State of Maharashtra, Through the Principal Secretary, Public Health Dept., Mantralaya, Mumbai-32.

2 The Addl. Secretary, Public Health Dept., State of Maharashtra, Mantralaya, Mumbai-32.

3 The Director General of Health Service, Arogya Bhavan, St. Geroge Hospital Compound, P.D'mello Road, Mumbai-01.

4 The Deputy Director of Health Services, Kolhapur Region, Kolhapur.

5 The District Civil Surgeon, Satara Dist. Satara.

6 The Medical Superintendent, Sub District Hospital, Karad, Dist. Satara.

7 The Desk Officer, Mantralaya, Public Health Dept., G.T. Hospital, 10th Floor, A-wing, Mumbai-01.

......**RESPONDENT/**S.

Copy to : The C.P.O. M.A.T., Mumbai.

*The applicant/s above named has filed an application as per copy already served on you, praying for reliefs as mentioned therein. The Tribunal on the **20th** day of **January, 2016** has made the following order:-*

APPEARANCE : Shri P. Suryawanshi, Advocate holding for Shri G.M. Savagave, Advocate for the Applicant.
Shri K.B. Bhise, P.O. for the Respondents.

CORAM : **HON'BLE JUSTICE SHRI A.H. JOSHI, CHAIRMAN.**

DATE : **20.01.2016.**

ORDER : Order Copy Enclosed / Order Copy Over Leaf.

25/1/2016

Research Officer,
Maharashtra Administrative Tribunal,
Mumbai.

E:\Sachin\Judical Order\ORDER-2016\January-16\21.01.2016\O.A. No. 1079 of 15-20.01.16.doc

Date : 20.01.2016.

O.A.No.1079 of 2015

1. Heard Shri P. Suryawanshi, the learned Advocate for the Applicant holding for Shri G.M. Savagave, the learned Advocate for the Applicant and Shri K.B. Bhise, the Presenting Officer for the Respondents.

2. Heard at length. Impugned communication dated 30th May 2014, results in rejecting Applicant's proposal for voluntary retirement.

3. The reasons for rejection reads as follows:-

(a) सदर नियमांतर्गत "राज्य शासनाच्या नियमकारी नियंत्रणाखालील कोणत्याही अधिकाऱ्यास तो ३५ वर्षे वयाचा होण्यापूर्वी त्यांनी शासकीय सेवेमध्ये प्रवेश केला असेल तर तो ५० वर्षे वयाचा झाल्यानंतर समुचित प्राधिकाऱ्याला (३ महिन्याची) लेखी नोटीस देऊन सेवा निवृत्त होऊ शकेल. तदनुसार डॉ. माने यांच्या जन्मदिनांकानुसार (दि.०२.०६.१९६६) स्वेच्छा निवृत्तीची नोटीस दिल्याच्या दिनांकास (दि.२४.०९.२०१३) त्यांचे वय ५० वर्षापेक्षा कमी आहे."

(b) Rule 85 of the Maharashtra Civil Service, (Pension) Rules, 1982 lays down the eligibility. It transpires that a Government servant can apply for voluntary retirement after attaining the age of 50 years.

4. The reason assigned by the State in the impugned rejection is thus within the para meter prescribed by law. The order is not show to be contrary to law or otherwise erroneous.

5. The O.A. has no merit and dismissed.

Sd/-

(A.H. Joshi, J.) 20/1/16

Chairman

sba

TRUE COPY

25/1/2016

Asstt. Registrar / Research Officers

Maharashtra Administrative Tribunal