

THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

ORIGINAL APPLICATION NO.282 OF 2016

(Subject : Pension)

DISTRICT : SOLAPUR

| | | |
|------------------------------------|---|------------------------|
| Shri Suresh Narssappa Jadhav, |) | |
| R/at. Settlement Free Colony No.2, |) | |
| Umedpur, Solapur. |) | Applicant. |

Versus

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|----|---------------------------------|---|-------------------------|
| 1. | The State of Maharashtra, |) | |
| | Through the Secretary, |) | |
| | Home Department, |) | |
| | Mantralaya, Mumbai. |) | |
| 2. | Director General of Police, |) | |
| | M.S., Mumbai. |) | |
| | O/at. Shahid Bhagat Singh Marg, |) | |
| | Colaba, Mumbai. |) | |
| 3. | The Commandant, |) | |
| | SRPF, Group 7, Daund. |) |Respondents. |

Smt. V.K. Jagdale, the learned Advocate holding for Shri K.R. Jagdale, the learned Advocate for the Applicant.

Shri A.J. Chougule, the learned Presenting Officer for the Respondents.

CORAM : JUSTICE SHRI A.H. JOSHI, CHAIRMAN

DATE : 20.09.2016.

J U D G M E N T

1. Heard Smt. V.K. Jagdale, the learned Advocate holding for Shri K.R. Jagdale, the learned Advocate for the Applicant and Shri A.J. Chougule, the learned Presenting Officer for the Respondents.
2. Heard both sides. The case proceeds on following admitted background :-
 - (a) Applicant had served in the State Reserve Police Force in Government of Maharashtra between 11.12.1965 to 03.02.1976 i.e. for 10 years, one month and 26 days approximately.
 - (b) It is admitted that applicant has received the amount of gratuity
 - (c) In this O.A. Applicant claims that he may be granted pension either by way of legal right or as a mercy, since he is leading life in misery and distress and is not able to fetch his morsel of the day.
 - (d) O.A. is opposed on the ground that resignation from employment results in the forfeiture of past service and hence he is not entitled for pension.
3. Respondents have relied on Rule 46(1) of Maharashtra Civil Services (Pension) Rules, 1982 and two judgments delivery by this Tribunal one in O.A.No.505 of 2006 and another in O.A.No.1035 of 2010, passed on 22.02.2008 and 03.05.2015 respectively.
4. Both these judgments are reiterating the position as has emerged from Rule 46(1) supra.
5. In the result the claim of the applicant is not based on any legal right.
6. In so far as the aspect of granting mercy is concerned, while compassionate is essential ingredient of justice and relief in the nature of mandamus cannot be granted by basing it totally on compassion.
7. Therefore, applicant is not entitled for any relief whatsoever. O.A. has no merits and is dismissed.

Sd/-
(A.H. Joshi, J.)
 Chairman

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