

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 9128 OF 2015**

Pappu Niranjana Parida & Anr.

....Petitioners.

Vs.

Union of India & Ors.

....Respondents.

Mr. Subhash Jha I/by Law Global Advocates for the Petitioners.

Ms. Neeta Masurkar a/w Mr. Vinay Masurkar and M.S. Bharadwaj for
the Respondents.

**CORAM : ANOOP V. MOHTA AND
A.A. SAYED, JJ.**

DATE : 23 SEPTEMBER 2015.

ORDER:-

Heard the learned counsel appearing for the Petitioners, as
well as, the Respondents.

2 The Petitioners, though not party to the proceedings initiated by other similarly situated persons through O.A. Nos. 343 of 2013, 210 of 2015, 517 of 2013 and 475 of 2013 before the Central Administrative Tribunal, Mumbai Bench, Mumbai is impugning the order dated 19 August 2015 by directly filing the present Writ Petition invoking Article 226 of the Constitution of India.

3 We are not inclined to entertain the Writ Petition, as the
remedy is available to the Petitioners in law needs to be exhausted.
We have considered the Judgments of the Supreme Court in K. Ajit
Babu & Ors. Vs. Union of India & Ors.¹ and Gopabandhu Biswal Vs.
Krishna Chandra Mohanty & Ors.² cited by the learned Counsel for the
Respondents which deal with somewhat similar aspects. The
Judgments cited by the learned Counsel appearing for the Petitioners
viz. (1) K. Ajit Babu, (2) Gopabandhu Biswal (supra), are distinct and
distinguishable on facts, as well as, on the law. We are dealing with
the service matter, where the statute itself provides remedy to such
aggrieved persons. Therefore, without expressing any opinion on
merits of the matter, we decline to entertain the present Writ Petition.

4 Writ Petition is accordingly dismissed with liberty to adopt
appropriate remedy. There shall be no order as to costs.

(A.A. SAYED, J.)

(ANOOP V. MOHTA, J.)

1 (1997) 6 SCC 473

2 (1998) 4 SCC 447

CERTIFICATE

Certified to be true and correct copy of the Original signed
Judgment/Order.