

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**CIVIL WRIT PETITION NO.10840 OF 2014**

Mr. Shivram Sambhaji Mirgal

.... Petitioner

versus

The State of Maharashtra  
and another

... Respondents

Ms.Preeti Walimbe for the Petitioner.

Mr.V.N. Sagare, AGP for the Respondent/State.

**CORAM :    ANOOP V. MOHTA AND  
                  G.S. KULKARNI, JJ.**

**DATE     :    03<sup>rd</sup> OCTOBER, 2016.**

**ORDER :-**

1.            The Petitioner, who at the time of retirement, was working as Senior Clerks in the service of State Government, has approached this Court in the present petition making following prayers;

*“a) This Hon'ble Court be pleased to issue appropriate writ/order/direction in the nature of writ calling for records and proceedings with respect to communication dated 14.10.2014 issued by the Respondent No.2 (Exhibit – “F” to this petition) and after examining the legality and propriety of the said communication dated 14.10.2014, this Hon'ble Court may be pleased to quash and set aside the same;*

- b) *that this Hon'ble Court may be pleased to hold and declare that the service rendered by the Petitioners as Seasonal Godown Keepers should be taken into consideration for the purpose of computing the entitlement and quantum of their pension;*
- c) *that this Hon'ble Court may be further pleased to issue writ of mandamus or any other appropriate writ/order/direction in the nature of writ directing the Respondents to consider the entire period of service rendered by the Petitioner as a Seasonal Godown Keepers for the purpose of computing their entitlement and quantum of pension and compute the pension amount as well as arrears of pension;*
- d) *Costs be provided for;*
- e) *any other just and reasonable orders as this Hon'ble Court deems fit be passed in the interest of justice;*

2. Having considered the prayers it would be appropriate that the Petitioners approach Maharashtra Administrative Tribunal (MAT), as this is a service dispute against the State Government falling within the purview of Section 15 of the Administrative Tribunal Act, 1985.

3. The Petitioner shall approach the Maharashtra

Administrative Tribunal within two weeks from today. Needless to observe that the Maharashtra Administrative Tribunal while entertaining the application of the Petitioner shall consider the fact of pendency of this petition.

4. The Petition is accordingly disposed of with liberty to the Petitioner to approach the Maharashtra Administrative Tribunal.

5. All contentions of the parties on merits of the matter are kept open.

**(G.S. KULKARNI, J.)**

**(ANOOP V. MOHTA, J.)**