

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 10326 OF 2014**

Shri Mahendra Sumitradas Bairagi .. Petitioner
versus
The Director General of Police,
Mumbai & Ors. .. Respondents

Mr. R. M. Kolge for petitioner.
Mr. C. P. Yadav - AGP for State.

**CORAM: D. H. WAGHELA, C. J. AND
M. S. SONAK, J.
DATE : 8 MARCH 2016**

P.C.:

1] By this petition, the petitioner challenges orders dated 29 April 2014 and 6 August 2014 made by the Maharashtra Administrative Tribunal (MAT) in Original Application No. 250 of 2014 instituted by the petitioner.

2] In the Original Application, the petitioner had *inter alia* challenged his suspension pending departmental enquiry and the defaults in the matter of payment of subsistence allowance.

3] After this petition was instituted some time on 31 October 2014, the petitioner is, by order dated 16 July 2015, dismissed from service. As against the dismissal order dated 16 July 2015, the petitioner has instituted Departmental Appeal on 14 September 2015, which is pending disposal.

4] In view of the aforesaid subsequent development, it is not necessary to entertain the present petition. However, the petitioner is reserved liberty to agitate the issue of payment of subsistence allowance as also the treatment of suspension period, in the pending appeal. Further, in case, the petitioner is dissatisfied with the result of the appeal, the petitioner is granted further liberty to re-agitate all the issues raised in this petition before the appropriate forum. In short therefore, the issues raised by the petitioner in the present petition are left open for decision by the appellate authority as well as such further authorities, who are entitled to entertain the petitioner's grievance in this regard.

5] Further, since the petitioner's appeal against dismissal order dated 16 July 2015 is still pending, the appellate authority is requested to dispose of the same as expeditiously as practicable and in any case, within the period of four months from the date of production of authenticated copy of this order. The petitioner is authorized to place on record before the appropriate authority, the authenticated copy of this order.

6] All concerned to act on basis of authenticated copy of this order.

7] With the aforesaid observations, this petition is disposed of. There is no order as to costs.

CHIEF JUSTICE

(M.S.SONAK, J.)