

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD

WRIT PETITION NO.1915 OF 2004

Madhukar s/o Govindrao Kulkarni ... PETITIONER

VERSUS

The State of Maharashtra ... RESPONDENT

.....
Shri A.T. Jadhavar, Advocate for petitioner
Shri Y.G. Gujarathi, A.G.P. for respondents No.1, 3 to 5
Shri B.G. Deshmukh, Advocate for respondent No.2
Shri R.P. Bhumkar, Advocate for respondents No.8 & 9
.....

CORAM: R.D. DHANUKA AND
 SUNIL K. KOTWAL, JJ.

DATED: 22nd August, 2017.

ORAL ORDER

1. By order dated 20/6/2017 passed by this Court, this Court observed that, the petitioner was expected to show this Court as to how the reliefs claimed in the petition could be granted in view of the fact that order of penalty was not challenged by the petitioner before the appellate authority by way of an appeal or otherwise, which includes the forfeiture of gratuity amount.

2. Learned counsel for the petitioner fairly states that, the order of penalty was not challenged before the appellate authority by way of appeal or otherwise, including forfeiture of gratuity amount. Learned counsel for the respondent No.2 and learned counsel for respondents No.8 and 9 state that, in view of the statement made by learned counsel for the petitioner, the petition itself is not maintainable. It is submitted that a relief thus claimed by the petitioner for the first time in this petition cannot be granted.

3. Learned counsel for the petitioner is not able to satisfy this Court as to how reliefs claimed by the petitioner for the first time in this petition while his client has not challenged the order of penalty, including the forfeiture of gratuity amount before the appellate authority by way of an appeal or otherwise.

4. In our view, the relief sought for the first time in the petition which was not claimed before the appellate authority cannot be claimed in this petition. There is no merit in the petition. The petition is accordingly dismissed. Rule is discharged. No order as to costs.

5. If the petitioner proposes to file any appeal and

impugns the order of penalty including gratuity amount before the appellate authority, the same may be considered by the appellate authority on its own merits.

(SUNIL K. KOTWAL)
JUDGE

(R.D. DHANUKA)
JUDGE

fmp/