

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 719 OF 2016

DR. VIRUPAXA K. BANAKAR. ... Petitioner
Versus
UNION OF INDIA, MINISTRY OF
SCIENCE AND TECHNOLOGY AND 5 ORS. ... Respondent

Mr. Parag S. Rao, Advocate for the petitioner.
Mr. K. P. Anilkumar and Mr. Jayesh Unnikrishnan, Advocates
for the respondents No.2 to 6.

Coram:- F. M. REIS &
NUTAN D. SARDESSAI, JJ.

Date:- 23rd January, 2017

P.C.:

Heard Mr. Parag S. Rao, learned Counsel appearing for the petitioner and Mr. K. P. Anilkumar, learned Counsel appearing for the respondents No.2 to 6.

2. During the course of hearing of the above petition, Mr. K.P. Anilkumar, learned Counsel appearing for the respondents No.2 to 6 has produced on record a xerox copy of a demand draft drawn in favour of the petitioner herein which, according to him, is in full and final settlement of the retirement dues of the petitioner. Mr. Parag Rao, learned Counsel appearing for the petitioner, however, disputes the correctness of the said amount as, according to him, such amount was wrongfully withheld and arrived at. The copy of the Demand Draft is marked "X" for

identification.

3. As it is not in dispute that the petitioner has an alternate remedy to challenge such decision by the respondents before the Central Administrative Tribunal, we find that the question of entertaining the above petition at this stage would not be justified. Mr. Rao, however, points out that the amount so tendered by the respondents shall be received by the petitioner under protest and without prejudice to his rights and contentions.

4. Hence, the petition stands disposed of with liberty to the petitioner, if so advised, to file appropriate proceedings before the learned Central Administrative Tribunal, raising any additional claim, or relief, if he is so entitled to in law. All the contentions of both the parties accordingly, on merits, are left open.

5. The petition stands disposed of accordingly.

NUTAN D. SARDESSAI, J.

F. M. REIS, J.

ssm.