

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

WRIT PETITION NO. 9335 OF 2018

Syed Khamar Ali Syed Mehboob Ali .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri. Ashok P. Gaikwad, Advocate for Petitioner.

Shri. N. T. Bhagat, A.G.P. for Respondent/State.

**CORAM : S.V. GANGAPURWALA AND
SUNIL K. KOTWAL, JJ.**

DATED : 13th August, 2018

PER COURT:

. We have heard Mr. Gaikwad, learned advocate for the petitioner. The petitioner assails the order dated 28.11.2003 passed in Original Application No. 536/2002 thereby rejecting the original application.

2. Mr. Gaikwad, learned counsel submits that the petitioner was in

service with the respondent from 1966 to 1985. The petitioner is not paid any pensionary and retiral benefits. The tribunal has in a casual manner dismissed the original application. The petitioner was in permanent service. He was never issued with the order of termination. According to the learned counsel the Tribunal ought to have considered long duration of service rendered by the petitioner.

2. The learned Assistant Government Pleader supports the order and submits that, this is a case of suppression on the part of the petitioner.

3. In fact initiation of the subsequent proceeding by filing Original Application Stamp No. 1326/2014 with Misc. Application No. 303/2015 is an abuse of process of court and law. The petitioner had claimed retiral and pensionary benefits by filing Original Application No. 536/2002. The same was dismissed on merits under order dated 28.11.2003 by the Maharashtra Administrative Tribunal. Suppressing the fact of dismissal of Original

Application NO. 536 of 2002, the petitioner subsequently filed Original Application Stamp No. 1326/2015. The same was dismissed. Against which the petitioner approached this court. This court dismissed the writ petition on 08.08.2017 bearing Writ Petition No. 4257/2016. The petitioner now assails the order passed in Original Application No. 536/2002 dated 28.11.2003. The petitioner does not have a right to agitate the said order. The petitioner in fact is guilty of suppression of fact before the tribunal by filing subsequent original application, without disclosing the fact of dismissal of earlier Original Application No. 536/2002 filed for the same relief.

4. Considering the above, writ petition stands dismissed.

[SUNIL K. KOTWAL, J.]

[S. V. GANGAPURWALA, J.]

ass/wp 9335.18