IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 11413 OF 2018

Ajay Vishwanath Deokatte .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri S. N. Lale Yelwatkar, Advocate for the Petitioner.
Mrs. M. A. Deshpande, Addl.G.P. for Respondent Nos.

CORAM : S. V. GANGAPURWALA AND
R. G. AVACHAT, JJ.
DATE : 15TH OCTOBER, 2018.

FINAL ORDER :

. The petitioner assails order of the Tribunal dismissing the original application, so also seeks directions against respondent Nos. 2 and 3.

2. The Tribunal has dismissed original application on the ground that the petitioner is not State Government employee and as such does not have jurisdiction to entertain the original application.

3. We have heard the learned counsel for the petitioner. The learned counsel submits that, the salary is paid through contribution of the Central and State Government in the ratio of

75% and 25% each.

4. The learned Additional Government Pleader submits that, merely because salary is paid through the contribution of the Central and State Government, the petitioner *ipso facto* would not come within the purview of Government employee. He is an employee of the society registered under the Societies Registration Act.

5. It is not disputed that, the petitioner is an employee of the respondent No. 4 society, registered under the Societies Registration Act, *inter alia* would not come within the purview of an employee of the State Government. The Tribunal has not committed an error in dismissing the original application on the ground of jurisdiction.

6. The petitioner may assail the order/action of the respondents independently before the appropriate forum.

7. If the petitioner resorts to independently challenge the orders of the respondents, then the present petition would not be an impediment. The writ petition accordingly is disposed of. No costs.

[R. G. AVACHAT, J.] **[S. V. GANGAPURWALA, J.]**

bsb/Oct. 18