IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

924 WRIT PETITION NO.7620 OF 2020

CAPTAIN SUNIL MORESHWAR GODBOLE AND ANOTHER
VERSUS
THE UNION OF INDIA THRO SECRETARY AND OTHERS

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Mr. S.G. Mundhe, Advocate for the petitioners.
Mr. A.G. Talhar, A.S.G. for respondent Nos.1 and 2.
Mr. S.B. Pulkundwar, A.G.P. for respondent Nos. 3 to 6.

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CORAM : **RAVINDRA V. GHUGE &**
AVINASH G. GHAROTE, JJ.

DATE : 23-06-2021.

ORDER :

1. The petitioners in this petition have put-forth prayer clauses ‘B’ and ‘C’ as under :

> B] By way of passing appropriate writ, order or directions in the like nature, the Respondents may kindly be directed to apply the CCS (Fixation of Pay of re-employed Pensioners) Order 1986 in State of Maharashtra and the impugned Order dated 17/05/2019 passed by the General Administration Department, Maharashtra State, Mantralaya Mumbai may kindly be quashed and set aside.
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> C] Pending hearing and final disposal of this writ petition, the execution, operation and enforcement of the impugned order dated 17/05/2019 passed by the General Administration Department, Maharashtra State, Mantralaya Mumbai may kindly be stayed.

2. We have heard the vehement submissions of the learned Advocate for the petitioners, the learned A.S.G.I. on behalf of respondent Nos.1 and 2 and the learned A.G.P. on behalf of respondent Nos. 3, 4, 5, and 6. We have perused the petition paper book with their assistance.

3. We are not required to deal with the merits of the grievance put-forth by the petitioners for the reason assigned in this order. These two petitioners had earlier approached the learned Maharashtra Administrative Tribunal at Aurangabad for the same reliefs as are set out in this petition. The Tribunal relegated their grievance to the respondent-State for consideration by disposing off Original Application No. 333 of 2017 vide it's order dated 18.02.2019. The said grievances were adjudicated upon by the GAD, State Government vide the impugned order dated 17.05.2019.

4. It is apparent that a statutory, efficacious and expeditious remedy under Section 15 (1) (b) and (c) of the Administrative Tribunals Act, 1985 is available to the petitioners before the learned Maharashtra Administrative Tribunal at Aurangabad.

5. As such, this petition stands dismissed by imposing costs of Rs. 5,000/- (Rupees Five Thousand) each which both the petitioners shall individually deposit in this Court. The said amount shall be transferred to the High Court Legal Services Sub Committee, Aurangabad. The original application, if filed by both these petitioners before the learned Maharashtra Administrative

Tribunal at Aurangabad, shall not be registered until the petitioners produce a receipt (of deposit of the said amount in this Court) before the Tribunal.

6. The learned Registrar (Judicial) shall forward a copy of this order to the learned Maharashtra Administrative Tribunal at Aurangabad.

(AVINASH G. GHAROTE) **(RAVINDRA V. GHUGE, J.)**

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