

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

**WRIT PETITION NO.57 OF 2022
WITH
INTERIM APPLICATION (ST) NO.2024 OF 2022
IN
WRIT PETITION NO.57 OF 2022**

**DHONDIBA YASHWANT GHADGE)
AND OTHERS)...PETITIONERS**

VS.

STATE OF MAHARASHTRA & ORS.)...RESPONDENTS

Mr. D. W. Bhosale, for the Petitioners/Applicants.

Ms. Reena A. Salunkhe, AGP for the Respondent-
State.

**CORAM: DIPANKAR DATTA, CJ &
V. G. BISHT, J.**

DATE : FEBRUARY 2, 2022

P.C.:

1. An objection is taken by Ms. Salunkhe, learned AGP for the State to the maintainability of this writ petition at this stage before this Court. According to her, the petitioners are ex-employees of the Government and they are claiming pensionary benefits; hence, their remedy lies before the Maharashtra Administrative Tribunal (hereafter "the Tribunal", for short).

2. Mr. Bhosale, learned counsel for the petitioners submits that the petitioners are retired employees and are in the winter days of their lives. Driving them to move the Tribunal at this advanced stage of their lives would be inconvenient and detrimental to their interests.

3. Law is well settled that disputes raised by employees who were in civil service or holders of civil posts have to be adjudicated at the first instance by the Administrative Tribunals constituted under the Administrative Tribunals Act, 1985. The dicta of the Supreme Court in **L. Chandra Kumar vs Union of India and Others**, reported in AIR 1997 SC 1125, is absolutely clear in this regard.

4. We cannot, by reason of inconvenience and/or difficulties to be faced by the petitioners, derail the procedure provided by the law or the declaration of law made by the Supreme Court. The prayer of the petitioners for entertaining and trying this writ petition at this stage, upon sympathetic consideration of their plight, is declined.

5. This writ petition stands dismissed. There shall be no order as to costs.

6. This order shall not preclude the petitioners to explore their remedy before the Tribunal, in accordance with law.

7. In view of aforesaid, nothing survives in the interim application and the same is accordingly disposed of.

(V. G. BISHT, J.)

(CHIEF JUSTICE)