

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**WRIT PETITION NO. 787 OF 2021
WITH
INTERIM APPLICATION NO. 1336 OF 2022**

Ram Gopal Kadam	}	Petitioner
Versus		
State of Maharashtra	}	
and Ors.	}	Respondents

Mr. M. S. Adenwala for the petitioner.

Mr. Kedar Dighe, AGP for respondents (State).

**CORAM: DIPANKAR DATTA, CJ. &
ABHAY AHUJA, J.**

DATE: DECEMBER 9, 2022

P.C.:

1. We have given sufficient opportunity to Mr. Adenwala, learned advocate for the petitioner to persuade us hold that the writ petition at this stage is maintainable before this Court. According to him, the petitioner is a senior citizen and, therefore, he should not be driven to file an application before the Maharashtra Administrative Tribunal (hereafter "the Tribunal", for short) in respect of release of retiral benefits of his deceased wife, a former Government employee. Reliance has been placed on the decision in **Haryana Financial Corporation and Anr. vs. M/s. Jagdamba Oil Mills and Anr.**, reported in (2002) 3 SCC 496, to impress upon us that the dicta in **L. Chandra Kumar vs. Union of India and Ors.**, reported in (1997) 3 SCC 261, should not be read as a statute.

2. We are afraid, the contentions of Mr. Adenwala are not acceptable. In paragraph 93 of the decision in **L Chandra Kumar** (supra), the Constitution Bench of the Supreme Court has made it abundantly clear that only in cases where *vires* of the Administrative Tribunals Act, 1985 is questioned, the Tribunals may not be approached. In all other cases, where the subject matter is covered by the provisions of section 14 or section 15, as the case may be, read with section 3(q) of the said Act, the remedy provided by section 19 thereof is to be pursued. That is the law of the land and has to be respected, no matter whether one reads it as a statute or not.
3. The writ petition stands dismissed by granting liberty to the petitioner to move the Tribunal in accordance with law. No costs.
4. In the light of dismissal of the writ petition, the interim application does not survive and stands disposed of accordingly.
5. All contentions on merits are kept open.

(ABHAY AHUJA, J.)

(CHIEF JUSTICE)

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