

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

WRIT PETITION NO. 3845 OF 2022

Maharashtra Krushi Udyog Karmachari Udyog Sangh and Ors.	} } }	Petitioners
versus		
The Maharashtra Agro Industries Development Corporation Ltd. and Anr.	} } }	Respondents

Mr. R. D. Bhat for the petitioner.

Mr. Vinod Joshi for respondents 1 and 2.

**CORAM: DIPANKAR DATTA, CJ. &
M. S. KARNIK, J.**

DATE: SEPTEMBER 30, 2022

P.C.:

1. Leave is granted to the petitioners to implead the Chairman of the Maharashtra Agro Industries Development Corporation Ltd. (hereafter "the Corporation", for short) as respondent no.3. Cause title of the writ petition be suitably amended, forthwith.
2. This writ petition is dated 29th April 2022. The first petitioner is a Union while the other seven petitioners were/are employees of the Corporation.
3. Under challenge in this writ petition are various orders passed by an officer of the Corporation seeking to recover amounts from the salaries of all but one of the employee

petitioners. Indeed, the process of recovery has commenced. So far as the other petitioner is concerned, he is an ex-employee and recoveries are being made from his retiral benefits.

4. The main contention of Mr. Bhat, learned advocate for the petitioners, is that such orders of recovery have been passed without granting adequate and reasonable opportunity to the petitioners to raise their defence. Even before the time to reply to the show cause notices had expired, the impugned orders came to be made.

5. We were, *prima facie*, satisfied and inclined to admit the writ petition; however, it has been brought to our notice by Mr. Joshi, learned advocate for the respondents that each of the 7 (seven) petitioners (petitioners 2 to 8) have preferred appeals against the orders of recovery before the respondent no.3 prior to institution of the writ petition and that such appeals are pending.

6. Law is well settled that writ remedy cannot be invoked when the alternative remedy provided by the departmental or statutory rules is being pursued.

7. In such view of the matter, we mould the relief claimed by the petitioners by directing the respondent no. 3 to dispose of the appeals filed by the petitioners, upon granting opportunity of hearing, in accordance with law as early as possible but positively within 2 (two) months from the date of receipt of a copy of this order.

8. With the aforesaid directions, the writ petition stands disposed of.

9. No costs.
10. All contentions on merit are left open.

(M. S. KARNIK, J.)

(CHIEF JUSTICE)

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