

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

20 WRIT PETITION NO.1505 OF 2023

SUBHASH JAGANNATH JADHAV
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. Kedar Shrimant R.
AGP for Respondents/State : Mr. S.G. Karlekar

...

**CORAM : RAVINDRA V. GHUGE &
SANJAY A. DESHMUKH, JJ.**
DATE : 13th February, 2023

PC. :-

1. The petitioner has put-forth prayer clause-B as under:

“B) By issuing writ of mandamus or any other writ or direction in the like nature to direct the respondent authority to release the amount of gratuity with interest and the consequential benefits within a stipulated period.”
2. The petitioner concedes that there was a disciplinary action initiated against him and he is finally dismissed from service on 07.01.2009, by way of punishment. His appeal against the dismissal has also been dismissed by the competent forum. He preferred a writ petition before the High Court which has also been dismissed by order dated 05.09.2022. The review petition is pending.

3. In view of the above, since the petitioner submits that his fate depends upon the review petition, we do not find it appropriate to entertain this petition filed prematurely and issue any direction for payment of gratuity. After the review petition is decided, if the grievance of the petitioner still survives, he may be permitted to avail of a statutory remedy as is permissible in law.

4. The writ petition is disposed off.

[SANJAY A. DESHMUKH, J.]

[RAVINDRA V. GHUGE, J.]