

(Correction has been carried out in view of speaking to the minutes dated 27.11.2024)



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

943 WRIT PETITION NO. 13296 OF 2021

BABURAO KISHANRAO RATHOD

VERSUS

**THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS**

...

Advocate for the Petitioner : Mr. Solanke Krushna S.
AGP for Respondent Nos. 1 , 3 & 4 : Mr. A.S. Shinde
Advocate for Respondent Nos. 6 & 7 : Mr. V.V. Bhavthankar

...

**CORAM : S. G. MEHARE AND
SHAILESH P. BRAHME, JJ.**

DATE : 13 NOVEMBER 2024

PER COURT :

1. Heard learned respective counsels.
2. The petitioner was superannuated on 31.05.2021. However, on 02.08.2021 his services were terminated with effect from 29.05.2021.
3. Learned counsel for the contesting respondent nos. 5 to 7 submits that since the services of the petitioner were terminated the sole remedy available to him is appeal under the M.E.P.S. Regulations Act. The GPF as per the rules has already paid. The petitioner did not dispute this fact.

4. Against the order of termination the remedy of appeal is available to the petitioner under the MEPS Regulations Act. In view thereof, this Court cannot entertain the Writ Petition for the relief seeking setting aside the termination unless his termination is set aside. He is *prima facie* not entitled for other service benefit. The prayer does not fall within the purview of the jurisdiction of this Court. Hence, the Writ Petition stands dismissed keeping his right open to prefer the appeal, if he desires.

[SHAILESH P. BRAHME, J.]

[S.G. MEHARE, J.]