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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 6815 OF 2021**

Shri Pradip Ramchandra Ghorpade

.... Petitioner.

V/s

State of Maharashtra and Ors.

.... Respondents.

Mr. Tanaji Mhatugade for the Petitioner.

Mr. N.K. Rajpurohit, AGP for the Respondent-State.

**CORAM: A.S. CHANDURKAR &
JITENDRA JAIN, JJ.**

DATE: 8th MARCH, 2024

P.C.:-

1] The challenge raised in this writ petition is to the order dated 15/3/2009 passed by the Maharashtra Administrative Tribunal in Original Application No.608 of 2017. In the said Original Application, the Petitioner had challenged the action of the Respondents in not releasing his retiral benefits. On 15/03/2019, the Tribunal noted that there was no departmental inquiry pending and hence it was expected that the Petitioner's retiral benefits would be released. It appears that in the meanwhile on 01/03/2019 Divisional Joint Registrar passed an order thereby directing deduction of 9% amount of pension from 01/07/2014. The Petitioner challenged this order by filing an appeal before the Commissioner for Co-operation. That appeal came to be dismissed on 09/03/2020. The Petitioner seeks to contend that the

initiation and continuation of the inquiry after his retirement is not permissible. We find that it would be necessary for the Petitioner to challenge the order of punishment dated 01/03/2019 as confirmed in appeal on 09/03/2020. For the said purpose, the Petitioner would be required to approach the Maharashtra Administrative Tribunal.

2] In these facts, the learned Counsel for the Petitioner seeks leave to withdraw the writ petition with liberty to approach the Maharashtra Administrative Tribunal.

3] Considering the fact that this writ petition was filed in October, 2020, the Petitioner is permitted to withdraw the writ petition with liberty to approach the Maharashtra Administrative Tribunal. Time spent in prosecuting the present proceedings shall be taken into consideration while entertaining such challenge. All points raised are kept open.

4] Writ Petition is disposed of as withdrawn in the aforesaid terms.

[JITENDRA JAIN, J.]

[A.S. CHANDURKAR, J.]