

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

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WRIT PETITION NO.1416 OF 2024

Dr.Kailas Bhika Batte

.. Petitioner

Versus

The State of Maharashtra & Ors.

.. Respondents

Mr.Abhijit Desai a/w Ms.Daksha Punghera a/w Mr.Digvijay Kachare i/by
Desai Legal for the petitioner.

Mr.B.V. Samant, Addl.G.P. a/w Mr.S.P. Shetye, AGP for the respondent-
State.

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

DATE : 15th March 2024

PC.:-

. Rule. Rule made returnable forthwith and heard the learned
counsel for the parties.

2. The petitioner is aggrieved by the interim order passed by
the Maharashtra Administrative Tribunal on 29th January 2024 thereby
refusing to grant any interim relief as sought by the petitioner therein.
As a consequence, the petitioner was to superannuate on attaining the
age of 58 years.

3. On 31st January 2024, this Court passed an interim order.
Paragraph 5 of the said order reads as under :-

*“5. Since the Petitioner had sought continuation in service by
seeking benefit of Rule 10(1) of the Rules of 1982 as amended,*

following the aforesaid interim order, it is directed that the services of the Petitioner shall be continued till he attains the age of 60 years or the present proceedings are decided, whichever is earlier. This continuation would be subject to the outcome of the Writ Petition. It is made clear that in case the Writ Petition fails, the Respondents would be at liberty to pass appropriate orders with regard to recovery/adjustment of the amounts paid to the Petitioner for the services rendered under the interim order. Accordingly, the services of the Petitioner shall be protected till the date of superannuation which is 31st January 2026.”

4. We find that since the Original Application is pending before the Maharashtra Administrative Tribunal, interest of justice would be served by having the said Original Application adjudicated on merits by continuing the interim order dated 31st January 2024.

5. Accordingly, this writ petition is disposed of by directing the Maharashtra Administrative Tribunal to decide the Original Application No.76 of 2024 on its own merits and in accordance with law.

6. During the pendency of the Original Application, the interim order dated 31st January 2024 passed in this writ petition shall continue to operate.

7. Rule is disposed of in aforesaid terms.

JITENDRA JAIN, J.

A.S. CHANDURKAR, J.