

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
APPELLATE SIDE

WRIT PETITION NO. 6040 OF 2021

Santosh Hanmant Bhosle and others. ... Petitioners.

V/s.

The State of Maharashtra and others. ... Respondents.

WITH  
INTERIM APPLICATION NO. 250 OF 2023  
WITH  
INTERIM APPLICATION NO. 251 OF 2023

Jitendra Dagdu Khose and others. ... Applicants.

In the matter between

Santosh Hanmant Bhosale and others. ... Petitioners.

V/s.

The State of Maharashtra and others. ... Respondents.

Mr.S.B.Talekar i/b. Talekar & Asso. for the Petitioners (through VC)  
Mr.P.P.Kakade, GP with Mr.S.H.Kankal, AGP for the State.  
Mr.Laxman S. Deshmukh for the Applicants.

SANJAY  
KASHINATH  
NANOSKAR

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SANJAY KASHINATH  
NANOSKAR

Date: 2024.04.01  
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**CORAM :** NITIN JAMDAR, AND  
M.M. SATHAYE, JJ.

**DATE :** 22 March 2024.

**P.C. :**

Heard the learned counsel for the parties.

2. It is pointed out by the learned counsel for the  
Intervenors and the learned AGP, which is also an admitted position,

that the Petitioners are the Government Servants and the dispute is relatable to their service. In decision in the case of *L.Chandra Kumar v. Union of India*<sup>1</sup>, the Hon'ble Supreme Court has laid down that for service disputes relating to the State, the court of first instance is the Administrative Tribunal as per the constitutional scheme. This is different than there being an alternate remedy.

3. In light of this position, the learned counsel for the Petitioners states that the Petitioners will approach the Administrative Tribunal. He, however, prays that the ad-interim order be continued for a reasonable period of time. The learned counsel for the Interveners states that the ad-interim order be modified.

4. According to us, since the petition is being withdrawn to be filed in the Administrative Tribunal, to enable the Petitioner to do so, it would be appropriate to continue the ad-interim order. The ad-interim order is, therefore, continued for a period of four weeks.

5. We make it clear that the grant of ad-interim order and its continuation is not a reflection on the merits of the rival contentions. It is open to the Interveners, when the issue of continuation, if any of the ad-interim order comes up before the Tribunal, to urge that modification of the interim order was sought to be urged before this Court. All contentions of the parties are kept

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<sup>1</sup> AIR 1997 SC 1125

open.

6. With the aforesaid observations, writ petition stands disposed of as withdrawn.

7. In view disposal of writ petition, interim applications are also disposed of.

(M.M. SATHAYE, J.)

(NITIN JAMDAR, J.)