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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO. 672 OF 2024

Sanjay Vishwanath Patwardhan

.. Petitioner

Vs.

Hon'ble High Court of Judicature
of Bombay

.. Respondent

....

Mr. Anil V. Anturkar, Senior Advocate a/w Mr. Atharva A. Date,
Mr. H.S. Suryavanshi i/b Smt. Bhakti Patwardhan for the
petitioner.

Mr. Rahul Nerlekar, for the respondent nos. 1 and 3.

Mr. Milind More, AGP a/w Mr. Manish Upadhye, AGP for the
respondent nos. 2 and 4.

....

**CORAM : REVATI MOHITE DERE &
PRITHVIRAJ K. CHAVAN, J.J.**

DATE : 29th JULY, 2024.

ORDER : (Per Prithviraj K. Chavan, J.)

1. The petitioner, an ex-employee of this Court has invoked
the jurisdiction of this Court under Articles 226 and 229 of the
Constitution of India by praying for following substantive
reliefs :-

*“(A) That this Hon’ble Court be pleased to issue a
writ mandamus or writ in the nature of mandamus or
any other appropriate writ direction and order*

quashing and setting aside the order passed by the Registrar (Personnel) being Respondent No.3 bearing No.PN(APP)/GRA/2023 /5349 dated 21st August 2023 as Exhibit-K as illegal and bad in law.

(B) That the Hon'ble Court be pleased to issue a writ mandamus or writ in the nature of mandamus or any other appropriate writ direction and order under Article 226 of the Constitution of India 1950, directing that the benefits of ACP II may be given to the Petitioner herein viz. The benefit of the Second Assured Career Progression Scale applicable to Civil Judge, Senior Division with effect, from such date, as the Petitioner was entitled to with all the consequential benefit including the arrears and the interest payable on the said arrears from the Respondent.

(C) Considering the limited relief involved in the matter and considering that the Petitioner is a pensioner it is prayed that the Petition may be disposed off at the admission stage itself.

(D) That the costs of this Writ Petition be awarded in favour of Petitioner against Respondent, by this Hon'ble Court.

(E) For such other orders as justice and convenience may demand from time to time be passed in favour of the Petitioner by this Hon'ble Court.”

2. We heard Mr. Anturkar, learned Senior Counsel for the petitioner and Mr. Nerlekar, learned Counsel for the respondent nos. 1 and 3 at a considerable length.

3. Learned Counsel for the respondents, on instructions,

submits that the petitioner has not availed of the alternative remedy available to him, by filing an appeal, as permissible under Rule 14 (iv) (a) and (c) of the Bombay High Court Discipline and Appeal Rules, 1984. He submits that the writ petition can be treated as an Administrative Appeal by waiving the period of limitation, as contemplated in Rule 16 of the said Rules.

4. Mr. Anturkar, is *ad-idem* on the said proposal.

5. As such, the petition can be disposed of by directing the Registry to treat the petition as an administrative Appeal by renumbering the same. Thereafter, Petition be placed before the concerned Judge.

6. We make it clear that we have not entered into the merits and de-mertis of the petition and the rights and contention of the parties are kept open.

7. The petition stands disposed of in the aforesaid terms with

no order as to costs.

8. All parties to act on authenticated copy of this order.

(PRITHVIRAJ K. CHAVAN, J.) (REVATI MOHITE DERE, J.)