



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

**WRIT PETITION NO.6129 OF 2022
WITH
INTERIM APPLICATION NO.1065 OF 2024
IN
WRIT PETITION NO.6129 OF 2022**

Angad Rambhau Jadhavar ..Petitioner

vs.

The State of Maharashtra and ors. ..Respondents

Adv. Anillkumar Matle i/b. Adv. Archana Gaikwad, for the
Petitioner.

Mr. V. G. Badgujar, AGP, for the Respondent-State.

**CORAM : M. S. KARNIK &
N. R. BORKAR, JJ.**

DATE : 24th JUNE, 2025

P.C. :

- 1.** Heard learned counsel for the parties.
- 2.** The Petitioner by this Petition prays for the following reliefs :-

“(a) That this Hon'ble Court be pleased to issue a writ of Mandamus or a writ, order or direction in the nature of Mandamus or any other appropriate writ, order or direction directing the Respondents to reinstate the Petitioner to his original executive post.

(b) That this Hon'ble Court be pleased to issue a writ of Mandamus or a writ, order or direction in the nature of Mandamus or any other appropriate writ, order or direction directing the Respondents to reinstate the Petitioner to his

original post till final hearing and decision of this writ petition forthwith.

(c) That this Hon'ble Court be pleased to issue a writ of Mandamus or a writ, order or direction in the nature of Mandamus or any other appropriate writ, order or direction directing the Respondents not to stagnate and/or stop the payment of gratuity, pension, etc.

(d) That interim, ad-interim reliefs as prayed in clause no.(c).

(e) The Petitioner may kindly be compensated for the mental and economic harassment meted out by the illegal action of the Respondents.

(f) any other and further reliefs in the interest of law, justice and order."

3. Few relevant facts need to be mentioned. The Petitioner filed Original Application No.202 of 2021 before the Maharashtra Administrative Tribunal ("the Tribunal", for short). The Petitioner was working as Sub Divisional Police Officer (SDPO) at Gadhinglaj, District Kolhapur. He was suspended by order dated 20th October 2020 pending departmental enquiry. Petitioner's suspension was revoked and he was reinstated on non-executive post by order dated 20th April 2021. The State Government by order dated 14th June 2021 posted the Petitioner on non-executive post as Superintendent of Police, District Caste Certificate

Verification Committee, Pune. The Petitioner joined the said post. Since the Petitioner suspension was revoked, the challenge in the Original Application was restricted to the posting of the Petitioner on non-executive post at Pune. By the order dated 24th September 2021 the Tribunal observed that the reposting of government servant on reinstatement at some other places is often necessitated to keep him away from the place where enquiry is being conducted so that the chances of tampering of witness is kept at bay. In this view of the matter, the Tribunal did not interfere with the order impugned in the Original Application. The Petitioner's reposting at Pune on non-executive post was maintained by the Tribunal.

4. It is pertinent to note that the Petitioner has not challenged the order of the Tribunal in this petition. Be that as it may, the Petitioner has now retired on February 2022. In our opinion, if the Petitioner seeks pensionary reliefs or wants the Respondents to take a decision on the period of suspension, these reliefs are founded on independent causes of action, the remedy for the Petitioner in such

circumstance is to approach the Tribunal in the first instance claiming these reliefs. As the Petitioner has been pursuing the Petition bonafide, and as the Petitioner is now seeking relief of pensionary benefits, keeping all contentions open, the present Writ Petition is disposed of with liberty to the Petitioner to approach the Tribunal. Should the Petitioner approach the Tribunal within a period of eight weeks from today, the Petitioner's application for condonation of delay, if there is one, be considered sympathetically as he has been pursuing the present Petition bonafide.

5. In case the Original Application is filed, and since the relief the Petitioner now seeks is for the grant of pensionary benefits or for decision on the period of suspension, on a request being made, the Tribunal undoubtedly shall consider the request sympathetically for expediting the original application.

6. The petition is disposed of. Interim Application No.1065 of 2024 is disposed of.

(N. R. BORKAR, J.)

(M. S. KARNIK, J.)