



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

936 WRIT PETITION NO. 5074 OF 2026

DNYANDEO WAMAN CHAUDHARI

VERSUS

**THE STATE OF MAHARASHTRA THROUGH ITS ADDITIONAL CHIEF
SECRETARY AND ORS**

...

Mr. Vijay Y. Patil, Advocate for the Petitioner
Mr. R. S. Wani, AGP for Respondent/s – State

...

**CORAM : SMT. VIBHA KANKANWADI AND
AJIT B. KADETHANKAR, JJ.**

DATE : 06.05.2026

PER COURT :-

. Present petition has been filed for the following relief :

“B. To issued writ of mandamus or any other writ, or direction in the like nature, to direct the respondents authorities to grant family pension to the petitioner as per the Rules 30, and 57 of the M.C.S. (Pension) Rules, 1982.”

2. Heard learned Advocate for the petitioner. Learned AGP points out that the petitioner is contending that he was appointed as a labourer with respondent No.3 and had put in 34 years of continuous service with respondent No.3. Thereby, the petitioner intends to contend that he was a government servant and therefore, he states that he is entitled for the pension

as per the Maharashtra Civil Services (Pension) Rules, 1982 and therefore, he should initially approach the Maharashtra Administrative Tribunal.

3. It appears that the petitioner had approached the Industrial Court at Jalgaon by filing complaint (ULP) No.1616 of 1999. It was then held that the present respondent Nos.2 and 3 had committed unfair labour practice and therefore, they were directed to pay wages and other monetary benefits of permanent employee to the present petitioner. The present petitioner had then approached this Court by filing Writ Petition No.2949 of 2003 seeking more reliefs than those granted by the Industrial Court. However, this Court, by order dated 17.03.2022, confirmed the order passed by the Industrial Court. The state had also then challenged the judgment passed in the complaint before the Industrial Court by order dated 28.11.2024, dismissed the petition filed by the State. Under such circumstance, now if the petitioner intends that he should get pension, then he should first approach the appropriate authority and cannot directly come to this Court.

4. Learned Advocate for the petitioner thereupon seeks withdrawal of the petition with liberty to approach the appropriate authority.

5. In view of the said statement made upon instructions, we dispose of the writ petition with liberty to the petitioner to approach the appropriate authority.

6. The authority to take note of the time spent before this Court in case of any point of limitation that arises.

(AJIT B. KADETHANKAR, J.)

(SMT. VIBHA KANKANWADI, J.)

PRW