

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10544 OF 2024

Prof. Dr. Dilip Devidas Medhe

... Petitioner

Versus

The State of Maharashtra and Others

... Respondents

Mr. Rajeshwar Panchal, Advocate for the Petitioner

Mr. P.P. Kakade a/w. Ms. P.N. Diwan, AGPs for the State.

Ms. Anjali Baxi, Advocate for Respondent No. 3.

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**CORAM : RAVINDRA V. GHUGE &
ABHAY J. MANTRI, JJ.**

DATE : 26th MARCH, 2026

P.C:

1. The Petitioner's service was brought to an end by an order of dismissal by way of punishment for a proved misconduct amounting to moral turpitude. The Petitioner assailed the disciplinary proceeding right up to the Hon'ble Supreme Court. It is undisputed that by the order of the Hon'ble Supreme Court dated 4th July, 2023, the SLP (Civ) No. 13212-13213 of 2023 has been dismissed.

2. The Petitioner relies upon the view taken by the Hon'ble Supreme Court in **Union Bank of India vs. C.G. Ajay Babu¹**. We find that the Hon'ble Supreme Court has subsequently delivered a judgment in **Western Coal Fields Limited vs. Manohar Govinda Fulzele²** by which, the

1 AIR 2018 SC 3792.

2 2025 1 NSC 233.

view taken in **Ajay Babu** (supra) was held to be not good law. The learned Advocate for the Management submits that all Provident Fund accumulations have been paid to the Petitioner.

3. In the above backdrop, we would not venture into deciding whether the Petitioner was entitled for gratuity or not and whether the disputed issues should be resolved on the claim of gratuity in this Court. If the Petitioner desires to approach the Controlling Authority under the Payment of Gratuity Act, 1972, all contentions of all the stake holders are kept open.

4. In view of the above, we accept the request of the Petitioner seeking leave to withdraw the Petition. **This Petition, is therefore, disposed of as withdrawn** on instructions.

5. All contentions of the stake holders are kept open, if any proceeding are initiated by the Petitioner under the provisions of the Payment of Gratuity Act.

(ABHAY MANTRI, J.)

(RAVINDRA V. GHUGE, J.)