

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

WRIT PETITION NO. 1015 OF 2016

Rohidas Laxman Pawar

... Petitioner

Vs

1. State of Maharashtra & Ors.

... Respondents

Mr. Subhash Jha with Ms. Sanjana Pardeshi i/b M/s. Law Global
for the Petitioner.

Ms. Jyoti Chavan, Asstt. Govt. Pleader, for the Respondents.

**CORAM : S.C. DHARMADHIKARI &
B.P. COLABAWALLA, JJ.**

WEDNESDAY, 30TH NOVEMBER, 2016

P.C. :

1. Heard Mr. Jha for the petitioner.
2. The petitioner is aggrieved by the action of the respondents initiating disciplinary proceedings / commencing a departmental enquiry on the basis of a charge-sheet dated 28th February, 2013. Now retired, the petitioner was employed at the relevant time as a Deputy Commissioner of Sales Tax. Since the petitioner was in the State civil services and the Administrative Tribunals Act,

1985, being applicable to these services and the petitioner, we do not see any reason to entertain any writ petition under Article 226 of the Constitution of India without the petitioner availing of the alternate remedy. It is common ground that this Court exercises a supervisory jurisdiction under Articles 226 / 227 of the Constitution of India when it scrutinizes the orders passed by such Tribunals for their legality and validity. We cannot, in the garb of entertaining a writ petition, dispense with the Administrative Tribunals Act, 1985 or the requirement thereunder of the petitioner having to approach it first and seek relief from the said Tribunal. The Tribunal which is competent to decide and adjudicate service matters affords a complete remedy to the petitioner. Once the petitioner has an alternate and equally efficacious remedy of approaching the Tribunal, then we should not entertain the petition. It is disposed of with liberty to the petitioner to approach the Tribunal.

B.P. COLABAWALLA, J.

S.C. DHARMADHIKARI, J.