

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2107 OF 2024

Hemangi Deepak Shinde

...Petitioner

Versus

The Secretary All India Shri Shivaji  
Memorial Society And Ors.

...Respondents

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Mr. Vaibhav Kulkarni a/w Mr. Prathamesh Deshpande a/w Mr. Yash Agarwal  
for Petitioner.

Mr. Shrikrishna Ganbavale for Respondent Nos.1 and 2.

Mr. M. M. Pabale AGP for State.

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CORAM : K. R. SHRIRAM &  
JITENDRA JAIN, JJ.  
DATED : 30<sup>th</sup> AUGUST 2024

PC. :

1 Not on board. Upon mentioning taken up on production board.

2 The matter pertains to the alternate Bench of Justice Nitin Jamdar,  
which is not available today. Since we were informed in the morning by  
counsel for petitioner that petitioner is superannuating on 31<sup>st</sup> August 2024  
and if ad-interim relief is not granted the petition would become  
infructuous, we granted circulation.

3 Ad-interim relief sought is against respondent nos.2 and 3 and it read  
as under:

*“[B] Pending the hearing and final disposal of this Writ Petition, this  
Hon'ble Court be pleased to issue directions injuncting the Respondent  
No. 2 & 3 or its agents, servants and/or anyone claiming thorough  
them from terminating, suspending or altering the service conditions  
of the Petitioners to their detriment.”*

4 Mr. Ganbavale relies on an order passed by a Division Bench of this court on 30<sup>th</sup> January 2024 as also an order dated 6<sup>th</sup> March 2024 in other petitions of almost identical nature and one such petition is filed by petitioner to submit that ad-interim relief as prayed for should not be granted.

5 Mr. Ganbavale particularly referred to paragraph 8 of the order dated 30<sup>th</sup> January 2024 to submit that ad-interim relief has been rejected and the court has also observed if petitioner succeeds appropriate relief can always be granted. To a specific query posed by the court, Mr. Ganbavale stated that appropriate relief can always be granted would mean that petitioner will be entitled to salary and other benefits as if petitioner had continued in service after the age of 60, subject to the terms and conditions applicable. Statement accepted.

6 In view thereof, we are not inclined to grant any ad-interim relief. The same is rejected.

**(JITENDRA JAIN, J.)**

**(K. R. SHRIRAM, J.)**