

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 619 OF 2015

Pranali Chandrashekhar Bache
and another .. Petitioners

Versus

The State of Maharashtra and others .. Respondents

Shri Nikhilesh K Tungar, Advocate for the Petitioner.
Shri U. S. Mote, A. G. P. for Respondent Nos. 1, 2 and 4.

**CORAM : S. V. GANGAPURWALA AND
V. L ACHLIYA, JJ.**

DATE : 19TH JANUARY, 2015.

PER COURT :

. Mr. Tungar, the learned counsel states that, the criminal case is pending since 2006, however, no steps are taken for deciding the said criminal proceeding. The respondent No. 4 be directed to take steps for expeditious disposal of the proceedings. The learned counsel further submits that, the petitioner would be entitled for family pension, however, the same is not paid. According to the learned counsel Rule 116(13A) of the Maharashtra Civil Services (Pension) Rules would not apply.

2. The learned A. G. P. submits that, the said rule would squarely apply to the case of the petitioner and the petitioner

would not be entitled for the family pension.

3. We have considered the submissions canvassed by learned counsel for respective parties. As far as prayer for directions for expeditious disposal of pending criminal case is concerned, the petitioner is required to move before the appropriate Court for the said purpose. This Court cannot direct the Judicial Magistrate First Class or any other Court dealing with said criminal case for expeditious disposal. The petitioner has liberty to approach the appropriate Court.

4. As far as the non payment of family pension to the petitioner is concerned, the same is kept in abeyance. The mother who is eligible for the family pension, is accused in an offence punishable U/Sec. 302, 364, 201, 120-B read with Sec. 34 of the Indian Penal Code.

5. In the light of that, the authority has kept the said proceedings with regard to payment of family pension in abeyance, as the criminal case is pending.

6. In that regard no error has been committed by the authority. The writ petition is disposed of. No costs.

[V. L ACHLIYA, J.]

[S. V. GANGAPURWALA, J.]