

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

Writ Petition No. 5815 of 1999

Sitaram s/o. Sahadu Mhaske,
deceased through L.Rs. :

1. Surekha w/o. Sitaram Mhaske,
Age : 49 years,
Occupation : Housewife.
2. Vijaya d/o. Sitaram Mhaske,
Age : 22 years,
Occupation : Education.
3. Pooja d/o. Sitaram Mhaske,
Age : 19 years,
Occupation : Education.

All R/o. A/p. 20-B, "Saiprabha",
Padmadarshan Society,
Pune-Satara Road,
Near Walwekar Nagar,
Pune - 09.

.. Petitioners.

versus

1. The State of Maharashtra.
2. The Scrutiny Committee,
Caste Verification (ST),
Nashik.
3. The Deputy Conservator of Forests,
Forests Department,
Ahmednagar.

.. Respondents.

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*Mr. P.G. Deshmukh, Advocate, holding for
Mr. Y.P. Deshmukh, Advocate, for the petitioners.*

*Mrs. M.B. Gangwal (Patni), Assistant Government Pleader,
for respondent nos.1 and 3.*

Mr. P.S. Patil, Advocate, for respondent no.2.

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**CORAM : A.V. NIRGUDE &
A.M. BADAR, JJ.**

DATE : 6TH JULY 2015

ORAL JUDGMENT (Per A.V. Nirgude, J.) :

1. Heard Counsel for respective parties.
2. This petition was filed for challenging judgment and order dated 8th July 1998, passed by the Committee for Scrutiny and Verification of Tribe Claims, Nashik, in which the tribe claim of the petitioner was rejected. Because of this impugned order, the petitioner was about to lose his job as Clerk in a Government Department. This Court passed interim order on 14-12-1999 and protected the petitioner from getting terminated. This position is still continued. In the meantime, the learned Counsel for the petitioner informs us, that the petitioner died on 31-8-2014. Therefore, the petition is almost infructuous now.
3. The petitioner died while in service. According to the learned Counsel for the petitioner, the petitioner's next akin would be entitled to

service benefits like family pension, etc. We do not express our view on such issue because that will be beyond the scope of this petition. However, employer of the petitioner shall decide claim for family pension independently in view of the service rendered.

4. In the result, the Writ Petition is dismissed. However, it is made clear that this Court has not considered the merits of the tribe claim of the petitioner. Rule is discharged with no order as to costs.

5. It is further made clear, that the dismissal of this petition shall not come in the way of application for family pension, if moved by the next akin of the petitioner.

(A.M. BADAR)
JUDGE

(A.V. NIRGUDE)
JUDGE

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