

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

WRIT PETITION NO. 5657 OF 2014

Meera Dinesh Patil

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Shri Pramod F. Patni, Advocate for the Petitioner.

Shri K. M. Suryawanshi, A.G.P. for Respondent Nos. 1 and 2.

**CORAM : S. V. GANGAPURWALA AND
V. K. JADHAV, JJ.**

DATE : 25TH JUNE, 2015.

PER COURT :

. We have heard Mr. Patni, the learned counsel for the petitioner. The learned counsel for the petitioner submits that, the husband of the petitioner expired in a train accident while in service on 21.05.2012. Earlier husband of the petitioner was appointed as part time librarian on 21.08.1995 and the said post was converted into full time librarian on 01.04.2006. As such, the petitioner is entitled for family pension. According to the learned counsel the earlier service rendered by the petitioner's husband as part time librarian is required to be considered as per the provisions of M. C. S. (Pension) Rules.

2. Mr. Suryawanshi, the learned Assistant Government

Pleader submits that, the husband of the petitioner is full time librarian with effect from 01.04.2006. The Government Resolution dated 03.08.2006 and more particularly clause 4 of the said Government Resolution provides for salary scale as Full time librarian with effect from 01.04.2006. According to the learned A. G. P., the Division Bench of this Court has already dealt with the said aspect and has negated the claim of similarly situated employees in Writ Petition No. 2311 of 2013 vide judgment and order dated 31.03.2015.

3. As the issue involved in this writ petition is no longer *res-integra*, as such for the reasons recorded vide judgment and order dated 31.03.2015 in Writ Petition No. 2311 of 2013, the case of the present petitioner also cannot be considered. The writ petition as such is disposed of. No costs.

[V. K. JADHAV, J.]

[S. V. GANGAPURWALA, J.]