

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

WRIT PETITION NO. 3190 OF 2010

VIMALBAI ROHIDAS PATIL
VERSUS
THE STATE OF MAH AND ORS

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Advocate for Petitioner : Mr. A.Y. Pandule
AGP for Respondents: Mr D.B.Bhange
Advocate for Respondents 3,4 : Mr. Umakant Shriram h/f Mr. D.S.
Bagul

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CORAM : A.V. NIRGUDE & V.K. JADHAV, JJ.

Dated: September 15, 2015

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PER COURT :-

1. This petition should fail and deserves dismissal mainly because the petitioner has not mentioned the facts correctly. It is a case that the husband of the petitioner rendered service for 19 years till he died in the year 2006. The petitioner, therefore, resumed and represent through her husband that her husband was in service continuously from his date of appointment till his death. The Zilla Parishad, employer, in response to this petition clarified that though the petitioner's husband was working as teacher, his services were terminated on 16.10.1972. This would mean that, in 2006 he was not a Zilla Parishad employee. Facts revealed in the reply indicate a grim case. The petitioner's husband took employment with Zilla Parishad as Primary Teacher in 1956, and after rendering 17-18 years of service, his services were terminated in the year 1972. Due to this event as per Rule 45 of Maharashtra Civil Services (Pension) Rules, 1982 which are applicable to the Zilla Parishad employees, his earlier services

stood forfeited. The employee-deceased husband of the petitioner did not challenge his dismissal etc., which occurred in the year 1972 nor he took care for getting pensionary benefits. The petition, appears to be a last ditch attempt to get some monetary benefits from previous employer of her husband, but it would fail because of the reasons mentioned above.

2. Writ Petition stands dismissed. No costs.

(V.K. JADHAV, J.)

(A.V. NIRGUDE, J.)

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aaa/-