

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

WRIT PETITION NO. 6901 OF 2005

SAKHARAM DIGAMBAR MAHAJAN
VERSUS
STATE OF MAH & ORS

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Advocate for Petitioner : Mr. S M Kulkarni
AGP for Respondents: Mr. V.M.Kagne

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CORAM : A.V. NIRGUDE & V.K. JADHAV, JJ.
Dated: October 14, 2015

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PER COURT :-

1. This petition would not succeed mainly because Rule 116 of the Maharashtra Civil Services (Pension) Rules, 1982 is applicable to the petitioner's case. The petitioner's wife joined government pensionable service in or about 1970. She died in the year 1998. The petitioner being her widower, was entitled to family pension as per sub rule 5 of Rules 116 (5) of the said rules. However, his right would come to an end if he remarries. The petitioner in this case remarried in the year 1999.

2. In view of this, the petitioner lost his right to get family pension.

3. Writ petition is hereby dismissed. No order as to costs.
Rule discharged.

(**V.K. JADHAV, J.)**

(**A.V. NIRGUDE, J.)**

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