

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

RAST/14275/2015 IN WP 8760/2014

RADHABAI SHIVAJI WAGH (BHAG)
VERSUS
THE UNION OF INDIA AND OTHERS

...
Advocate for Applicant : Mr. S.B.Chavan
Advocate for Respondents : Mr. S.B. Deshpande
AGP for Respondents: Mr. K.M.Suryawanshi

...
CORAM : S V GANGAPURWALA & V.K. JADHAV, JJ.
Dated: July 03, 2015

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PER COURT :-

1. Mr. Chavan, learned counsel for the petitioner submits that this Court while dismissing the Writ Petition has not considered the fact that, in similar cases the Apex Court has granted relief of pension. Learned counsel submits that, it is after one year the petitioner's husband was communicated. According to the learned counsel, the petitioner is entitled to receive the pension. This Court may take a sympathetic view of the matter.

2. While dismissing the Writ Petition, we had considered the factual matrix that the husband of the petitioner vide order dated 19.10.1983 was awarded 12 days pay as fine for the offence of the Army Act, more particularly, Section 39(b) for overstaying without sufficient cause and thereafter the petitioner's husband did not re-join the duties on expiry of the balance of the annual leave. Husband of the petitioner was declared as deserter and struck off active strength of army on 3.3.1984. After, 1984, did not join his duty and he died in the year 1993. Original Application is filed in

the year 2014 and no explanation is given for not claiming any relief for the long slumber of 20 years.

3. Considering the above, no error apparent on the face of record. Review Petition is disposed of. No costs.

(V.K. JADHAV, J.)

(S V GANGAPURWALA, J.)

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aaa/-