

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6850 OF 2015

Prabhavati w/o Namdeo Shinde
Age 62 yrs., Occ. H.H.,
R/o. Vivekanand Sadan 1284, Wani Plot,
In front of M.S.E.B. Koyana Office,
Agalgaon Road, Barshi, Tq. Barshi,
Dist. Solapur.

... Petitioner

Versus

01. The State of Maharashtra,
Through its Secretary,
Finance Department,
Mantralaya, Mumbai -32.

02. The Accountant General-II (A&E),
Pension Wing Old Building,.
In front of Ravi Bhavan,
Nagpur.

03. The Education Officer (Secondary),
Zilla Parishad Osmanabad.

... Respondents

...

Advocate for Petitioner : Mr. Kendre N. D.
AGP for Respondents: Mr. K.J. Ghute Patil

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

DATED : 8th JULY, 2015

ORAL JUDGMENT (PER S. V. GANGAPURWALA, J.) :-

1. Rule. Rule made returnable forthwith. The learned AGP waives notice of Rule. With the consent of the learned counsel appearing for the parties, the petition is taken up for final hearing.

2. Mr. Kendre, the learned counsel submits that the husband of the petitioner in this writ petition has retired on 31.05.2006 and as per the judgment of this Court dated 09th May, 2014 in writ petition No. 8985 of 2011 with other connected writ petitions, the cut off date has been held to be erroneous and the benefit of the Government Resolution dated 30th October, 2009 has also been granted to those persons who have retired between 01.01.2006 to 26.02.2009.

3. The learned counsel further submits that, even the review filed by the State of the said judgment is rejected.

4. We have heard the learned Additional Government Pleader also.

5. The issue involved in present writ petition is no longer *res-integra* in view of the judgment dated 09th May, 2014 in writ petition No. 8985 of 2011 with other connected writ petitions. Those persons who have retired in between 01.01.2006 to 26.02.2009 will also be entitled for the benefit of Government Resolution dated 30th October, 2009 with regard to the revised family pension.

6. In the light of the above, we pass the following order :

- I. The respondents shall consider the case of the husband of the petitioner for the payment of revised family pension in terms of Government Resolution dated 30th October, 2009 after satisfying itself about the eligibility of the husband of the petitioner expeditiously and preferably within a period of four (4) months from today. The petitioner may also comply with the formalities required for processing revised family pension papers.
- II. Rule accordingly is made absolute in above terms.

(V. K. JADHAV, J.)

(S. V. GANGAPURWALA, J.)

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