

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

REVIEW APPLICATION (ST) NO. 25000 OF 2015
IN
WRIT PETITION NO. 5657 OF 2014

MEERA DINESH PATIL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Ms. Surekha P. Mahajan, Advocate for the applicant,
Mr. S. M. Jadhav, AGP for the Respondent-State

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CORAM : S. V. GANGAPURWALA &
V. K. JADHAV, JJ.

DATE : 29th September, 2015

PER COURT :

1. The applicant seeks review of the order passed by this Court dated 25th June, 2015, dismissing writ petition No.5657/2014 and holding that the deceased husband of the petitioner is not entitled for the pension, *inter alia*, the petitioner/applicant is not entitled for the family pension.

2. Ms. Mahajan, the learned counsel for the applicant submits that this Court, while dismissing the said writ petition, relied upon the judgment of other Division Bench of this Court dated 31st March, 2015 in Writ Petition No. 2311 of 2013. In the said writ petition, discussion was made with regard to the

earlier appointment of the said person. In the present case, the deceased husband of the petitioner/applicant was appointed in the year 1995 and had continuously worked since 1995. It was not the case that the deceased husband was appointed after the ban period. As per Rule 30 of the Maharashtra Civil Services (Pension) Rules, earlier services ought to have been counted. This aspect has not been considered by the Court. According to the learned counsel, this is an error apparent on the face of record.

3. We have also heard learned AGP.

4. This Court, while dismissing writ petition No.5657/2014, had observed that clause 4 of the Government Resolution dated 03.08.2006 is explicitly clear, which lays down that services rendered earlier as part time would not be considered for increment. Clause 3 of the said Government Resolution lays down that the appointment as full time librarian would be a fresh appointment. The same is not by way of promotion. The deceased husband of the petitioner got benefit of appointment of full time librarian pursuant to the said Government Resolution dated 3rd August, 2006. Challenge to the said clause of the Government

Resolution was negatived by the Division bench of this Court in Writ petition No. 2311 of 2013 vide order dated 31.03.2015.

5. In view of the above, as the husband of the petitioner was appointed as full time librarian pursuant to the Government Resolution and the said appointment as full time librarian is fresh appointment in the year 2006, the case of the petitioner cannot be considered. Review application, as such, is rejected. No costs.

(V. K. JADHAV, J.)

(S. V. GANGAPURWALA, J.)

JPC