

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

WRIT PETITION NO. 1480 OF 2014

Mannabee Dadekhan Pathan .. Petitioner

Versus

The District Collector, Ex-Officio
President, Zilla Sainik Board, Hingoli
and others .. Respondents

Shri Arun G. Dalal, Advocate for the Petitioner.

Shri S. B. Deshpande, Assistant Solicitor General for Respondent
Nos. 1, 2, 3, 6 and 7.

Shri S. R. Deshpande, Advocate for Respondent Nos. 4 and 5.

**CORAM : S. V. GANGAPURWALA AND
V. L. ACHLIYA, JJ.**

DATE : 10TH MARCH, 2015.

PER COURT :-

. Mr. Dalal, the learned counsel for the petitioner states that, the petitioner is not been released the family pension. The deceased husband of the petitioner is a Ex-serviceman. During his lifetime, the pension was released to the deceased husband of the petitioner. However, after death of husband of the petitioner, the petitioner is not given the family pension and many details are asked from the petitioner. It is not possible for the petitioner to lay hands on the documents of the deceased husband such as regiment number, the discharge certificate from the service, etc.

When the deceased husband of the petitioner was been paid pension regularly since the year 1953, the petitioner being the widow of the deceased is entitled for the family pension.

2. Mr. Deshpande, the learned Assistant Solicitor General submits that, those documents are required so as to process the papers of the petitioner for family pension. The said documents are required as per rules. The petitioner's husband was not registered with the office of the respondent No. 1 as Ex-serviceman. The sanctioning authority is Controller of Defence Accounts (Pension) that is the respondent No. 3.

3. Mr. S. R. Deshpande, the learned counsel for respondent Nos. 4 and 5 submits that, Mr. Dadekhan Pathan was been paid pension as per the record of the bank.

4. We had asked Mr. S. R. Deshpande, the learned counsel for respondent/bank to give the copies of the documents in possession with the bank wherein pension was being released to the deceased Dadekhan Pathan. The said documents are handed over to the learned Assistant Solicitor General. The learned A. S. G. shall forward the said documents to the concerned authority.

5. The petitioner being widow, naturally would not be in

possession of documents such as regiment number, discharge certificate from service, etc. The said documents would be available with the office of respondents and more particularly when the respondent authorities were disbursing pension to Dadekhan Pathan. No doubt, the respondent authorities would be within their right to confirm the identity of the petitioner being widow of Dadekhan Pathan. The petitioner may submit such documents for the said purpose if demanded by respondent authorities and on confirming the relationship of the petitioner with deceased Dadekhan Pathan, shall process the case of the petitioner for family pension on its own merits expeditiously and preferably within four (4) months from today. In case the respondent authorities come to the conclusion that the petitioner is entitled for family pension, then the same be released along with arrears. The writ petition is disposed of. No costs.

[V. L ACHLIYA, J.]

[S. V. GANGAPURWALA, J.]