

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

WRIT PETITION NO. 10228 OF 2014

Anil Nanasaheb Pagare

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Shri Sujeet D. Joshi, Advocate for the Petitioner.

Shri K. G. Patil, Addl.G.P. for Respondent Nos. 1 to 3.

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

DATE : 07TH JULY, 2015.

PER COURT :

. Mr. Joshi, the learned counsel for the petitioner submits that, one Sudam P. Pagare was in service with the respondent No. 2. He had nominated his real sister Vilasini Pagare as nominee. Said Sudam filed an application to change the nomination that is to include the name of the present petitioner as his nominee after the sister's death. The necessary pension papers were forwarded for the change of nomination to the office of the respondent No. 2. In the mean time said Sudam died. The respondent No. 2 refused the application for change of nomination. The learned counsel submits that, aggrieved thereby the petitioner filed original application before the Tribunal. However, the Tribunal did not consider provisions of

Rule 115 of the Maharashtra Civil Services (Pension) Rules (for short "Pension Rules") in its correct perspective and rejected the original application. The learned counsel submits that, as per Rule 115 of the Pension Rules the right to receive the pensionary benefit is writ large. Rule 115 of the Pension Rules will have to be construed liberally.

2. The learned Additional Government Pleader submits that, the Tribunal has rightly considered the said rule. No error has been committed by the Tribunal.

3. We have considered the submissions canvassed by the learned counsel for respective parties.

4. The Tribunal has considered the provisions of Rule 115 of the Pension Rules. The said rule does not entitle a nominee eligible to receive pension. A nominee who is not dependent, is not entitled to receive the pension. The said aspect has been rightly considered by the Tribunal. In the light of that, the writ petition is dismissed. No costs.

[V. K. JADHAV, J.]

[S. V. GANGAPURWALA, J.]