

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**BENCH AT AURANGABAD****WRIT PETITION NO. 5804 OF 2015**

KALAWATI @ GAUBAI ANANDA SHINDE

VERSUS

STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. Mundhe Sanjay
V.

AGP for Respondent/State : Mr. B.V. Virdhe

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CORAM : S.S. SHINDE & SANGITRAO S. PATIL, JJ.**Dated: April 11, 2016**

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PER COURT :-

Heard the learned counsel appearing for the petitioner and the learned A.G.P. appearing for the Respondent/State.

2. The learned counsel appearing for the petitioner submits that, Respondent No.4 by letter dated 30th June, 2015 released the benefits under family pension in favour of the present petitioner for a period from 1st May, 2010 to 31st May, 2015. It is further the contention of the learned counsel appearing for the petitioner that, the petitioner is entitled for all the benefits under the family pension from 9th December, 1986. He

submits that, already the petitioner has filed application to the Superintending Engineer, Mechanical Division, Pune-1, stating therein that, the petitioner is entitled for pensionary benefits from 09.12.1986. He prays that, the said authority may be directed to decide the said representation of the petitioner. He invited our attention to the para 22-A of the Petition, and submits that, to that extent the necessary pleadings and prayer has been incorporated in the said paragraph.

3. In the light of the averments made in paragraph 22-A in the Petition, we are inclined to allow the prayer of the petitioner directing the Superintending Engineer, Mechanical Division, Pune-1 to decide the representation filed by the petitioner in the month of August, 2015 (at Annexure - '0' to the compilation of the Petition), on its own merits. Accordingly, the said authority is directed to consider the said representation, keeping in view the service record of the husband of the petitioner, in accordance with relevant rules/procedure/Government Resolutions, if already not decided, as expeditiously as

possible, and preferably within 12 weeks from today, and communicate the said decision to the petitioner. Needless to observe, if the said authority wishes to hear the petitioner, the said authority will be at liberty to do so.

4. The Petition stands disposed of in above terms.

5. The parties to act upon an authenticated copy of this order.

(SANGITRAO S. PATIL, J.) (S.S. SHINDE, J.)

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