

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE, BENCH AT AURANGABAD

WRIT PETITION NO.12112 OF 2015

**Smt.Panchfulabai Ashraji Kardile Vs. The State of
Maharashtra and others.**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders
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Mr.Suvidh S.Kulkarni, advocate for the petitioner.
Mr.S.K.Tambe, A.G.P. for the State.

**CORAM : S.V.GANGAPURWALA AND
K.L.WADANE, JJ.**
Date : 21.09.2016.

PER COURT :

1. Heard.
2. Mr.Kulkarni, learned counsel for the petitioner submits that the husband of the petitioner was working as Gat Sachiv with Respondent No.3 Society. The petitioner's husband in the year 1999 was given hike in salary in the pay-scale of Rs.970-1550 with effect from 1.1.1988. The husband of the petitioner retired in the year 2002, subsequently died in the year 2004. Though the petitioner has received the Provident Fund and the family pension, however, the petitioner's husband has not received the salary from 1993 to 2000. Various communications are made. The claim of the salary of the petitioner's husband is not specifically denied by the

Respondents but evasive replies are given of the record being not available. According to the learned counsel, the petitioner being a lady and not aware of the intricacies was not having knowledge as how to approach the authority. As such the application was made in the year 2014. The learned counsel submits that even the deceased in the year 2002 had moved the application.

3. It is submitted that even the deceased during the life time had made a grievance.

4. Learned counsel for Respondent No.3 submits that the petition is filed after inordinate delay of 15 years. After retirement of the husband of the petitioner, the proposal was forwarded for pension to the office of the Provident Fund and the pension is sanctioned. The petitioner is also receiving the family pension. The salary of the Secretary is depending upon the recoveries made. The husband of the petitioner was not regular in the recovery. Now the record is also not traceable.

5. The Respondent No.3 Society with whom the husband of the petitioner was working as Gat Sachiv is a village level society. Naturally, after lapse of 15 years, it would be difficult for the Respondent to get the record. For all these years, no grievance appears to have been made about non-receipt of the salary from 1993 to December 2001. The husband of the petitioner died in the year 2004 and after lapse of 11 years of the death of the husband of

the petitioner, the petitioner has approached this Court.

6. The petitioner is getting pension regularly. Now the grievance with regard to the salary from 1993 to 2000 can not be gone into and the same also would be a disputed question of fact.

7. Considering above, the Writ Petition is dismissed. No costs.

(K . L . WADANE , J .)

(S . V . GANGAPURWALA , J .)

Dt.21.09.2016.
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