

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

44 WRIT PETITION NO. 11885 OF 2015

NILABAI MARIBA BHARASKAR
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Petitioner : Mr. Kamble Dinkar G.
AGP for Respondents State: Mr. V. S. Badakh
Advocate for Respondent No.2 : Mr. Satyajit S. Bora

**CORAM : S. V. GANGAPURWALA &
K. L. WADANE, JJ.**

DATE : 19th September, 2016

ORDER:

1. Mr. Kamble, the learned counsel for the petitioner states that husband of the petitioner was appointed in the year 1986 with respondent No.2 (then Municipal Council) on a Class-IV post. Husband of the petitioner died in the year 2008. However, salary dues of the husband of the petitioner since 1991 is not paid. Pension or pensionary benefits are also not given. The petitioner is entitled for the same. From time to time, the petitioner has given applications to the respondent authorities so also to the Labour Commissioner but to no avail.

2. According to the learned counsel for the petitioner, the respondents be directed to pay dues of salary of the husband of the petitioner so also the pension and pensionary benefits.

3. Mr. Bora, the learned counsel for respondent No.2 states that the petitioner's husband never attended the duties since 1991. Order to that effect is also issued in 1996 and in place of the husband of the petitioner, one Kumari Aruna Basatsingh Thakur was appointed as per resolution dated 02.09.1991. Husband of the petitioner, during his lifetime, never made any grievance.

4. We have considered the submissions.

5. Appointment of the husband of the petitioner vide appointment order dated 14.02.1986 was for temporary purpose. It is on record that since 1991, husband of the petitioner did not attend the work and in his place another person was appointed. The husband of the petitioner, hardly served for 4/5 years, certainly is not eligible for a pension.

6. Husband of the petitioner was alive up to 2008. The husband of the petitioner did not make any grievance with regard to non receipt of salary from 1991 till his death. In light of that, grievance of the petitioner cannot be considered. Writ petition is disposed of. No costs.

(K. L. WADANE, J.)

(S. V. GANGAPURWALA, J.)