

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 1129/2016

(SANGITA GANGADHAR WAGHMARE & ANOTHER **VERSUS** THE EXECUTIVE ENGINEER,
M.S.E.T.C.L., AMRAVATI & OTHERS)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri A.V. Bhide, counsel for the petitioners.
Shri J.R. Kidilay, counsel for the R-2 to 4.

CORAM : SMT.VASANTI A. NAIK AND
MRS. SWAPNA JOSHI, JJ.

DATE : JULY 01, 2016.

By this writ petition, the petitioners seek a direction that the action on the part of the respondent no.1-Maharashtra State Electricity Transmission Company Limited in asking the petitioners to take consent letters of the seven persons for grant of pension to the petitioner no.1 and compassionate appointment to the petitioner no.2, is bad in law and is liable to be set aside.

Gangadhar was an employee of the respondent no.1-Company. After his death, the petitioner no.1, his widow, sought for the retiral benefits including pension, Provident Fund, etc. The petitioner no.2 is the legitimate son of Gangadhar and compassionate appointment was sought for the petitioner no.2. The respondent nos.2 to 4 are the illegitimate sons and daughter of Gangadhar. It is the case of the petitioners that when the petitioner no.1 sought for the retiral benefits payable to Gangadhar, the respondent no.1-Company wrote to the petitioners that they would be required to seek the 'No Objection' of the legitimate and the illegitimate issues of Gangadhar and also the brother and sister of Gangadhar, viz. Suresh and Sau.Shila. According to the petitioners, the respondent no.1-Company could not have sought the 'No Objection' for grant of retiral benefits to the petitioner no.1 and also could not have sought the 'No Objection' on affidavit, while dealing

with the application for compassionate appointment of the petitioner no.2.

Shri Kidilay, the learned counsel for the respondent nos.2 to 4, states that though it may not be necessary for the petitioner no.1 to submit the no objection certificates of the respondent nos.2 to 4 while seeking the pensionary benefits to which she may be entitled, while seeking other monetary benefits as well as the compassionate appointment, it would be necessary for the petitioners to submit the 'No Objection' of the respondent nos.2 to 4, on affidavit. It is stated that there is nothing wrong in the action of the respondent no.1-Company in seeking the no objection of the respondent nos.2 to 4 while releasing the retiral benefits, other than pension.

None has appeared on behalf of the respondent no.1-Company, though served.

In the circumstances of the case, we find that the respondent no.1-Company was not be justified in seeking the 'No Objection' of the brother and sister of Gangadhar, viz. Suresh and Sau.Shila while seeking any of the reliefs. Also, we find that while seeking the pensionary benefits, the petitioner no.1 may not be required to submit the 'No Objection Certificate' of either the legitimate or the illegitimate issues of Gangadhar. At this stage, we would pause to mention that we have not decided whether the petitioners would be entitled to pensionary benefits from the respondent no.1-Company and since it is the case of the petitioners that the petitioner no.1 would be entitled to the pensionary benefits, we have observed that if at all, they are payable, the respondent no.1-Company may not seek the 'No Objection' on affidavit from any of the persons mentioned in the communications served by the respondent no.1-Company on the petitioner no.1. We do not find any fault in the action of the respondent no.1-Company in seeking the 'No Objection' of the petitioner no.2 and the respondent nos.2 to 4 while seeking the other monetary benefits and the compassionate appointment.

With the aforesaid observations, we dispose of the writ petition with no order as to costs.

JUDGE

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