

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 7653 OF 2016

Laxmibai Mukundrao @ Desai Deshmukh .. **Petitioner**

Versus

The State of Maharashtra and others .. **Respondents**

Shri Nikhilesh K. Tungar, Advocate for the Petitioner.
Shri S. W. Mundhe, A.G.P. for Respondent Nos. 1 to 4.
Shri Santosh S. Dambe, Advocate for Respondent No. 5.

CORAM : **S. V. GANGAPURWALA &**
S. M. GAVHANE, JJ.

DATE : **24th November, 2017**

PER COURT :

1. The learned counsel for the petitioner states that the late husband of the petitioner retired from service as a teacher on 1.7.1992. On his retirement he was being paid the pension till his death. However, the family pension is not being paid to the petitioner. According to the learned counsel, the husband of the petitioner had changed his name from Desai Shahurao Deshmukh to Mukund Desai Ambadasrao Deshmukh, as such, on the death certificate the said changed name appears. The change in the name was also notified in the gazette. The petitioner has also been given the legal heirship certificate of the deceased. The proposal is also forwarded by the Zilla Parishad

but the same has not been processed and family pension amount is not paid.

2. The affidavit is filed by respondent No. 2 that the proposal is already forwarded.

3. The legal heirship certificate shows the petitioner to be one of the legal heir of the deceased Mukund Desai Ambadasrao Deshmukh @ Desai Shahurao Deshmukh. The said aspect was required to be considered by the respondents in a correct perspective and ought to have processed the pension papers.

4. The respondent shall immediately process the papers for the family pension and pay the family pension to the petitioner as admissible, expeditiously. The said exercise shall be completed within a period of four (4) months. The petitioner shall file the copy of the legal heirship certificate with the respondent.

5. The writ petition is accordingly disposed of. No costs.

[S. M. GAVHANE, J.]

[S. V. GANGAPURWALA, J.]