

IN THE HIGH COURT OF BOMBAY AT GOA.

WRIT PETITION NO.94 OF 2017.

Ms. Anupa Akre, Major of age,
Resident of St. Anthony Apts., E-5,
G-2 La Campala Colony, Miramar
Panaji-Goa Daughter of late Mrs.
Archana Akre Having worked as a
Dietician, At Cottage Hospital, At
Chicalim.

..... Petitioner.

Versus

- 1 State of Goa, Through the
Chief Secretary, Having office
at the Secretariat, Porvorim-
Goa.
- 2 Director of Health Services,
Directorate of Health Services,
Having Office at Panaji-Goa.
3. Dy. Director of Accounts, PAI
(Pension Cell) Directorate of
Accounts, Panaji-Goa.
4. Health Officer, Cottage
Hospital, Chicalim. Respondents.

Mr. C. Padgaonkar, Advocate for the petitioner.

Mr. Dattaprasad Lawande, Advocate General with Ms. Purna
Bhandari, Addl. Government Advocate for the respondents.

Coram:-F. M. REIS,
PRITHVIRAJ K. CHAVAN,JJ.

Date:-15th June, 2017.

JUDGMENT (Per F. M. Reis, J.)

Heard Mr. C. Padgaonkar learned Counsel for the petitioner and Mr. Dattaprasad Lawandei, learned Advocate General for the respondents.

2. Rule.

3. Heard forthwith with the consent of the learned Counsel. Ms. P. Bhandari, learned Addl. Govt. Advocate waives notice on behalf of the respondents.

4. The above petition takes exception to the refusal of the Family pension to the petitioner on the ground that the petitioner has been appointed on compassionate grounds in place of the deceased mother since 3.10.2013. The learned Counsel for the petitioner at the outset pointed out that the petitioner is restricting her claim only from the date of the death of the deceased mother on 22.6.2009 till October, 2013 when she was taken in employment. ~~on—compassionate grounds.~~

Correction carried out
as per order dt. 7.8.17.

5. On the last date of hearing as there was a dispute raised as to whether the petitioner would be entitled for such family pension during the said period as there was no material on record as far as her income during the relevant time is concerned, the petitioner has today filed an affidavit with supporting documents to show that the petitioner did not draw income beyond the prescribed limit.

6. But however, the respondents shall have to consider the veracity of such documents. The learned Advocate General pointed out that the respondent may produce such documents and other material before the respondent no.3, who will re-examine the matter and take a decision as to whether the petitioner is entitled for family pension from June, 2009 till October, 2013.

7. In such circumstances, above petition stands disposed of with liberty to the petitioner to produce all such documents and other material before the respondent no.3 who is directed to take a fresh decision in the matter on its own merits and in accordance with law within three months from today.

8. Rule stands disposed of accordingly.

PRITHVIRAJ K. CHAVAN,J.

F. M. REIS, J.

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