

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO. 594 OF 2017

Smt. Nirmala Kashinath Bhatt

... Petitioner.

V/s.

Union of India & 4 Ors.

... Respondents.

Mr. Vikash Kumar a/w. Mr. Krishna Bharuah, Advocate, for the
Petitioner.

Mr. Chetan C. Agrawal, Advocate, for Respondent Nos. 1 to 4.

**CORAM : ANOOP V. MOHTA AND
RAVINDRA V. GHUGE, JJ.**

DATE : 03 MAY, 2017

FINAL ORDER :

1 Not on board. Mentioned. Taken on production
board in view of the urgency.

2 We have heard the learned counsel for the
respective sides and with their assistance we have gone
through the petition paper book.

3 It is evident that the pension, pursuant to the
demise of Kashinath Bhatt, who retired on 30.06.1986, was
not being paid to the Petitioner-wife after the demise of her

husband -Kashinath on 25.02.2013. Pension which was otherwise being paid to Kashinath was not continued in favour of the Petitioner only for the reason that in the requisite form which enables the employee to nominate a person, as been eligible for pension, was not filled in properly by Kashinath and the Petitioner was not shown to be the surviving heir after his demise so as to entitle her for the pension thereafter.

4 We are informed that there is no dispute about the Petitioner being the only wife of the deceased Kashinath and would, therefore, be entitled for the payment of pension from the date of the demise of Kashinath.

5 It also appears from the communication dated 14.11.2014 addressed to the petitioner by the Respondent that the Petitioner must furnish certain documents which are necessary for making the payment of pension in her favour. It is stated that the said documents are submitted.

6 Neither has the Respondent raised any dispute, nor do we find any controversy that the Petitioner Smt. Nirmala is the only surviving and lone legally wedded wife of the deceased Kashinath.

7 The Petitioner has placed on record the “affidavit -cum- indemnity undertaking” of the Petitioner and affidavits of her two sons namely Dileep Bhatt and Susheel Bhatt and her daughter namely Anita Bhatt, stating therein that in the event of any dispute as regards the payment of pension to the Petitioner - Smt. Nirmala, the Petitioner, would indemnify the Respondent Authorities against any such claim.

8 The two sons and the daughter have stated in the affidavits that they have no dispute of any nature whatsoever if the pension that was payable to the late Kashinath Bhatt is paid to the Petitioner Smt. Nirmala Kashinath.

9 The affidavit-cum -indemnity filed by the Petitioner is marked as Exh. “X-1” and the three affidavits filed by the two sons and the daughter of the Petitioner are marked as Exhs. “X-2”, “X-3” and “X-4”.

10 In the light of the above, this Petition is allowed in terms of prayer clause (a-i) which reads as under :

(a-i) that this Hon'ble Court be pleased to issue a writ of mandamus or a writ in the nature of mandamus or any other appropriate writ, order or directing, commanding the Respondents to also forthwith release the arrears in pension payable to Shri Kashinath Bhatt, from the period

March 2013 in favour of the Petitioner against Pension No. PPO No.PEN/E789/Bank/86-87/48 through the Pension Account No.0119004001 in State Bank of India, Bhayandar (West) Branch.

11 It is expected that the Respondent - Competent Authority would commence the payment of pension of the Petitioner - Smt. Nirmala Kashinath Bhatt and release arrears to her as expeditiously as possible and preferably within a period of eight weeks from today.

(RAVINDRA V. GHUGE,J.)

(ANOOP V. MOHTA J.)

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