

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Second Appeal No. 116 of 2016
[Vasanta Hiranman Gurnule Vs. State of Mah. & others]

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

Court's or Judge's orders

Mr. J. A. Anthony, Adv., for the appellant.
Mr. A.T. Purohit, Adv., for respondent no.4.

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CORAM : A. S. CHANDURKAR, J.

DATE : 21st June, 2017

The appellant is the original plaintiff who had filed suit for grant of Family Pension by relying upon the provisions of Rule 116 (5) of the Maharashtra Civil Services (Pension) Rules, 1982. As per this Rule, a claimant is entitled to seek pension if he suffers from any disorder or disability of mind or body and is unable to earn living on account of such disability. The appellant placed on record Disability Certificate at Exh.37 indicating 45 per cent disability. He, however, could not bring on record his inability to earn living on account of his disability.

The trial Court as well as the appellate Court have non-suited the appellant on the ground that his inability to earn on account of disability suffered by him was not brought on record. In fact, it has been found that he was earning his living. According to learned counsel for the appellant, this is necessary to enable the

appellant to live a dignified life. However, considering the requirements of Rule 116 and in absence of compliance with the same, the judgments of the trial Court as well as the appellate Court cannot be faulted. No substantial question of law arises for consideration.

The appeal is, therefore, dismissed. No costs.

Judge

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