

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

8 WRIT PETITION NO. 7419 OF 2018

SUMANBAI JAGNNATH MAHAJAN

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. Sandeep B. Sontakke, Advocate for the
Petitioner.

Mrs. A. V. Gondhalekar, AGP for Respondents-State.

...

**CORAM : S. V. GANGAPURWALA &
SUNIL K. KOTWAL, JJ.**

DATED : 10th JULY, 2018.

PER COURT:-

1. Mr. Sontakke, learned counsel for the petitioner submits that the husband of the petitioner was working with respondent no.2 as a Assistant Teacher from the year 1963. He attained the age of superannuation on 31.12.2000. The learned counsel submits that husband of the petitioner could not attend the school after 1975 due to his ill health. The husband of the petitioner had filed an application with respondent no.2 to give him the benefits of the amount deducted from his salary on 16.01.2016, but the said application is also not considered. Eventually, the husband of the petitioner died in the year 2013. The learned counsel submits that the husband of the petitioner had rendered qualifying service, as such, was entitled for pension and all other pensionary benefits, the same

has been withheld. The benefits have not been given.

2. Mrs. Gondhalekar, learned Addl.G.P. appears for respondent no.1 and submits that the petition cannot be entertained after a long slumber of 43 years.

3. It is not disputed that the husband of the petitioner abandoned the service after 1975. Even, in the application filed by the husband of the petitioner in the year 2006, he has referred himself as absentee teacher.

4. The case of the petitioner for pensionary benefits certainly cannot be considered, as the husband of the petitioner abandoned the service after 1975, so also we are not inclined to entertain petition after long slumber of 43 years.

5. In case, some amount is deducted by respondent nos.2 and 3, then the petitioner may prosecute the application to the extent of the amount deducted with the respondent nos.2 and 3.

6. The writ petition is disposed of. No costs.

(SUNIL K. KOTWAL)
JUDGE

(S. V. GANGAPURWALA)
JUDGE