

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

WRIT PETITION NO. 134 OF 2012

**CHAMPAKALABAI VISHWANATH SARODE
VERSUS
THE STATE OF MAHARASHTRA AND ORS**

Mr.D.R.Jaybhar, Advocate for the petitioner.
Mr.S.B.Pulkundwar, AGP for respondent/State.
Mr.D.P.Palodkar, Advocate for respondent No.2.

**CORAM : S.S.SHINDE &
S.M.GAVHANE, JJ.
DATED : 21.02.2018**

P.C. :-

1. This petition under Article 226 of the Constitution of India has been filed with following prayers :-

"C) The respondent no.3 may kindly be directed to decide the proposal dtd.02.09.2011 in regards of final gratuity of the petitioners husband i.e. Vishwnath Rangnath Sarode within 4 weeks.

D) The respondent no.2 may kindly be restrained from vacating the premises of the quarter of the petitioner at 132 K.V. Sub Station, at Harsool, Aurangabad."

2. Learned Counsel appearing for the respondent No.2 on instructions submits that the respondents are

ready to disburse the amount mentioned in the Office Order dated 22.02.2010 issued by the Manager (HR), EHV (O&M) Circle, MSETCL, Aurangabad, subject to submitting Civil Death Certificate of the husband of the petitioner.

3. In response to said statement, learned Counsel appearing for the petitioner submits that the petitioner has already applied for said certificate and the entire process till issuance of said certificate is likely to take further six months' time.

4. The Division Bench of this Court [Coram : B.R.Gavai & M.T.Joshi, JJ.] by order dated 10.01.2012 granted ad-interim relief in terms of prayer clause (D). In view of the said ad-interim relief granted to the petitioner, the petitioner till date is residing in the quarter situated at 132 K.V. Sub-Station, Harsool, Aurangabad. Learned Counsel appearing for the petitioner submits that the ad-interim relief granted in terms of prayer clause (D) may be continued for another six months

so that, by that time, the petitioner will procure Civil Death Certificate of her husband.

5. In the light of above, insofar as prayer clause (C) is concerned, the respondents shall release/disburse the amount mentioned in the office order as mentioned above on submitting Civil Death Certificate forthwith and on completion of other formalities as required under the relevant procedure and on submission of such certificate, respondent No.3 shall take steps forthwith to disburse the amount in favour of the petitioner.

6. The ad-interim relief granted in terms of prayer clause (D) shall remain in force for six months from today. We make it clear that no prayer for extension of ad-interim relief or extension of said prayer for retaining quarter will be entertained by this Court.

7. In that view of the matter, both the prayers in this petition stand satisfied. Hence, the writ petition

is disposed of.

8. We make it clear that in view of the ad-interim relief granted by this Court, the petitioner has stayed / occupied the quarter and therefore the respondents shall not recover any amount on account of her stay till this date and further six months from today. Needless to observe that the petitioner shall file undertaking in the Registry of this Court within two weeks' from today that on completion of six months' period from today, the petitioner will vacate the quarter.

9. The writ petition is accordingly disposed of.

[S.M.GAVHANE, J.]

[S.S.SHINDE, J.]