

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

WRIT PETITION NO. 5842 OF 2013

Smt. Mandakini w/o Digambar Kulkarni.

Petitioner.

Versus

The Record Signals Office & others.

Respondents.

Mr. S.V. Mundhe, Advocate for the petitioner.

Mr. M.M. Nerlikar, A.G.P. for the State.

Mr. D.G. Nagode, Advocate for respondent Nos.1 to 3.

CORAM : **T.V. NALAWADE &
SUNIL K. KOTWAL, JJ.**

Dated : 20th April, 2018.

ORDER :-

. Heard both sides. The petitioner has prayed for giving direction to respondent No.1 with whom the husband of the petitioner by name Digambar Kulkarni was working in the past. After leaving the service of respondent No.1, the husband of the petitioner had joined other services like Civil Services and from there also he retired. The petitioner wanted to get family pension in respect of the services rendered by the deceased in other Office, Civil Services i.e. respondent No.4 and for that she wanted a Certificate of respondent No.1 that respondent No.1 was not paying family pension to the petitioner. For that she had applied to respondent No.1.

2. It appears that respondent No.1, under misconception, started inquiry to ascertain the entitlement of the petitioner to get family pension. She was not asking for family pension from respondent No.1 and she was only asking for the Certificate to the effect that she was not getting family pension from respondent No.1. In view of these circumstances, if respondent No.1 had not processed with the matter for family pension in favour of the petitioner, the respondent No.1 ought to have given Certificate to that effect. So, this Court hereby directs the respondent No.1 to issue Certificate to the petitioner if the respondent No.1 has not processed the matter for family pension in favour of the petitioner.

3. The other respondents are expected to proceed with the matter which include the ascertainment of entitlement of the petitioner to get family pension, after production of the Certificate which the petitioner may produce after getting it from respondent No.1.

4. The certificate needs to be issued by respondent No.1 within three months from the date of this order and thereafter the other respondents need to complete the process within six months thereafter.

5. In the above terms, the Petition is allowed and disposed of.

(SUNIL K. KOTWAL)
JUDGE

(T.V. NALAWADE)
JUDGE