

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

WRIT PETITION NO.2861 OF 2014

Hari Krishna Arora

..Petitioner

Versus

**Municipal Corporation of Greater Bombay
and others**

..Respondents

Mr. Rahul Walia, Advocate for the Petitioner.

**Mr. Javed Shaikh a/w Mr. H. C. Pimple, Advocate for Respondent
Nos.1 to 3 and 5.**

CORAM : B. R. GAVAI &

B. P COLABAWALLA, JJ.

DATE : 15th FEBRUARY, 2018

PC.

1] Rule. Rule made returnable forthwith. Heard by consent.

2] The Petitioner by way of present Petition has approached this Court basically seeking direction to the Respondents to make applicable pension, arrears of pension and family pension etc. to his deceased wife and after her death to the Petitioner.

3] The wife of the Petitioner was working as Assistant Teacher and she superannuated on 30th September 1990. The proposal for pension was rejected on the ground that wife of the Petitioner had not deposited the Provident Fund which was received by her and as such, pension could not be made applicable to her.

4] It appears from the stand taken by the Corporation that only hurdle in making pension applicable to the Petitioner's wife and family pension to the Petitioner is non-deposit of the Provident Fund amount received by the Petitioner's wife.

5] In that view of the matter, learned counsel for the Petitioner states that the amount which was received by the Petitioner towards Provident Fund shall be deposited within a period of two weeks from today.

6] The Petition is therefore allowed with a direction to the Respondent Corporation to make pension applicable to the Petitioner's wife and after her death, family pension to the Petitioner upon deposit of the amount of Provident Fund received by the Petitioner's wife.

7] However, in so far as prayer for grant of interest is concerned, the same is rejected.

8] The arrears to be paid within a period of three months.

[B. P. COLABAWALLA, J.]

[B. R. GAVAI, J.]