

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 3513 OF 2018

(Kashinath s/o Narayan Pagade vs. The Divisional Forest Officer, Bramhapuri, District -
Chandrapur & Ors.)

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

Court's or Judge's orders.

**CORAM : B.P. DHARMADHIKARI &
Z.A. HAQ, JJ.
JULY 31, 2018.**

Heard Shri N.N. Thengre, learned Advocate for the petitioner, Shri D.P. Thakare, learned AGP for the respondents.

2. The petitioner has challenged the decision of Respondent No. 2 by which the request of the petitioner to include the name of his second wife – Sindhu as his nominee for the purposes of receiving family pension is rejected.

3. The submission on behalf of the petitioner is that the second marriage was performed with the consent of first wife.

4. There is no dispute that the second marriage was performed by the petitioner with Sindhu during the subsistence of first marriage. We find that respondent No. 2 has rightly appreciated the relevant aspects and the decision taken by it, cannot be faulted.

5. Reliance placed upon the judgment of this Court in the case of Union of India & Anr. vs. Jaywantabai wd/o Ramrao Kewoo, reported at 2015 (2) Mh. L.J. 328, is also misconceived. In that judgment reliance was placed upon Rule 75 of Railway Services Pension Rules, 1993, and the Court in that judgment considered the grievance of widow – complainant that the second marriage was performed by the husband by practicing fraud.

6. The Advocate for the petitioner has not been able to point out any similar rule in the present case and moreover the petition is filed by the employee himself praying that the respondent – authority be directed to record the name of second wife as his nominee.

7. In view of the above, we see no reason to interfere with the impugned order. Writ Petition is dismissed. No costs.

JUDGE

JUDGE

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