

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

WRIT PETITION NO.1489 OF 2019

**SULOCHANA ASHOK AHIRE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr.V.Y. Patil, Advocate for the petitioner.
Mr.A.R. Kale, AGP for respondent/State.

**CORAM : PRASANNA B. VARALE &
S.M.GAVHANE, JJ.**

DATED : 04.02.2019

P.C. :-

1. Heard learned Counsel for the petitioner. It seems that the petitioner is an unfortunate lady, may be illiterate also, who is awaiting for certain benefits. The petitioner was before this Court as legal heir of deceased employee Shri Ashok Dhondu Ahire. Learned Single Judge of this Court was considering the challenge raised to the judgment and order of the Labour Court dated 23.04.1999 in Complaint ULP No.155 of 1990 and also challenge to judgment of the Industrial Court dated 05.08.2004 in Revision (ULP) No.4 of 2004. Learned Single Judge of the Court in detailed judgment and order found

that both the Courts below committed an error and in clear words the learned Single Judge observed that it was non-application of mind of both the Courts. The petition was allowed.

2. The Review Application was filed as the petitioner in the Review Application sought certain benefits which were beyond the scope of the original petition. Learned Single Single Judge by order dated 07.09.2015, was pleased to dismiss the review petition with the observation that insofar as the provident fund accumulation and family pension payable to the legal heirs of deceased Ashok Ahire, the remedy is available under the Employees' Provident Fund and Miscellaneous Provisions Act, subject to rules and provisions thereunder and the petitioner thus was permitted to avail the appropriate remedy.

3. It seems that again the petitioner approached to respondent No.3-Dy. Director, Nashik Division with

representation. The District Information Officer i.e. respondent No.4 forwarded proposal to respondent No.3-Dy. Director with a reference to an objection. There is also communication forwarded to the petitioner through the District Information Officer, Dhule i.e. respondent No.4 dated 10.03.2016 and then there was exchange of communication dated 16.10.2017 and 21.10.2018. The Competent Authority of the Indian Audit and Accounts Department forwarded communication to respondent No.4 - District Information Officer dated 17.05.2017. Perusal of this communication shows that the pension case of Shri Ashok Ahire was referred to Sr. Accounts Officer of Audit and Accounts Department and there was also communication dated 12.04.2017 forwarded by the District Information Officer, Dhule in response to pension case of Shri Ashok Ahire (deceased husband of the petitioner), as well as by letter dated 12.06.2017 Sr. Accounts Officer informed that as there are certain deficiencies, the pension papers of Shri Ahire were returned for one of the compliance and the District Information Officer is

further requested to resubmit the same duly complied with so as to enable the office of Indian Audit and Accounts Department to finalize the pension case. It is made clear in the communication that due to want of compliance, case is treated as closed case, for the time being, but same would be reopened on receipt of information/documents from the office of respondent No.4-District Information Officer, Dhule. It is also revealed from perusal of the communication dated 31.08.2018 that respondent No.3-Dy. Director (Information) is also pursuing the matter and informed the Sr. Assistant Director (Establishment), Information and Public Relation Directorate of the State to do the needful in respect of proposal by establishing contact with the State Government.

4. Considering these particular documents, namely, communication dated 31.08.2018 to the petitioner and the communication dated 31.08.2018 by the Dy. Director to the Sr. Assistant Director, it seems that the authorities are

sympathetically considering the case of the petitioner. Even the Sr. Accounts Officer in his detailed letter dated 17.05.2017 sought for necessary compliance.

5. Considering all these aspects, we are of the opinion that the petition can be disposed of at the stage of admission, thereby avoiding delay in seeking response from the respondents, we direct respondent No.4 - District Information Officer to submit the response to communication dated 17.05.2017 as early as possible and not later than six weeks from the date of order of this Court. This response shall be in the nature of supplying necessary information for compliance of deficiencies. If any assistance from petitioner is required for compliance of the deficiencies, respondent No.4 to intimate the petitioner by way of communication, respondent No.4 then to submit the pension case to Sr. Accounts Officer, Audit and Accounts Department. Sr. Officer in turn then to take further steps including establishing contact with respondent No.5, if needed and finalize the pension case

of the petitioner within six weeks. We further state that the competent authority to take decision on the basis of all relevant proposals, documents submitted by respondent No.4. It is made clear that we have not expressed any opinion on the merits of the proposal.

6. With these observations and directions, the writ petition is disposed of.

[S.M.GAVHANE, J.]

[PRASANNA B. VARALE, J.]