

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

18 WRIT PETITION NO.503 OF 2018

BASHEERUNISSA BEGUM FAROOQ AHMED KHAN
VERSUS
ZILLA PARISHAD HINGOLI THROUGH ITS CHIEF EXECUTIVE
OFFICER AND OTHERS

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Advocate for Petitioner : Mr.Dalal Arun G & A F Pathan
AGP for Respondents State: Mr.P.S. Patil
Advocate for Respondents 1 to 4 :Mr. Dodya S.G.

**CORAM : S. V. GANGAPURWALA &
A. M. DHAVALA, JJ.**

DATE : 25th February, 2019

PER COURT :

1. Mr. Dalal, the learned Advocate for the petitioner submits that the petitioner is legally wedded wife of Farooq Ahmed Khan. Deceased Farooq Ahmed Khan was in employment with respondent Zilla ParishadP. He married with the petitioner on 10.10.1980. The first wife of the petitioner died on 14.01.2003. The deceased retired from service in the year 1988 and was getting regular pension. Farooq died on 04.02.2012. The deceased Farooq, during his lifetime, had also given application for nominating the name of the petitioner but the

respondents have not taken cognizance of the same. The petitioner is entitled for the family pension.

2. Mr. Dodya, learned Advocate for the Zilla Parishad submits that the deceased had not nominated the name of the petitioner. There is nothing on record to suggest that the petitioner will be entitled for the family pension. Name of the petitioner was not in the nomination form and the name of his first wife was shown as a nominee in the nomination paper of family pension but she has died. The petitioner will have to get necessary succession certificate/heir-ship certificate from Court.

3. If the petitioner obtains necessary succession / legal heir-ship certificate from the Court, then the same shall be submitted to the respondent Zilla Prishad. The respondent Zilla Parishad shall consider the certificate produced by the petitioner and other relevant documents showing relation of the petitioner and deceased Farooq and

then decide the application of the petitioner for grant of family pension on account of death of deceased Farooq. The same shall be decided within a period of three months from the date of receipt of succession / legal heir-ship certificate that will be produced by the petitioner from the Court.

4. The writ petition is accordingly disposed of.
No costs.

(A. M.DHAVALÉ,J.)

(S.V.GANGAPURWALA, J.)

JPC