

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

28 WRIT PETITION NO.9455 OF 2018

DEEPMALA RAMAKANT BHALERAO AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Mr. Golewar V.P.
AGP for Respondents/State : Mr. S.B. Yawalkar

...

**CORAM : S.V. GANGAPURWALA &
MANGESH S. PATIL, JJ.
DATE : 20.06.2019**

P.C. :-

We have heard Mr. Golewar the learned advocate for the petitioners. None appears for respondent no.6. We have heard the learned A.G.P for respondent nos.1 to 4.

2. The petitioners seek benefit of family pension.
3. It is not disputed by the learned advocate for the petitioners that the husband of the petitioner no.1 died while in service, however the post on which the husband of the petitioner no.1 was working was not brought on 100% grant in aid on 01.11.2005.
4. In view of the judgment of Full Bench of this Court dated 30.04.2019 in Writ Petition no. 8387 of 2013 the employees even if are

appointed prior to 01.11.2005 and if the said post receives 100% grant in aid after 01.11.2005 are to be governed by D.C.P.S.

5. In view of that the grievance of the petitioners for grant of family pension pursuant to the old pension scheme cannot be entertained.

6. The petitioners may seek benefit as is available under the D.C.P.S. and as per the Government Resolution date 29.09.2018. In case the management is required to forward such a proposal the management shall forward such a proposal within six weeks to the competent authority. The parties shall take effective steps in that regard expeditiously. Writ petition is disposed of. No costs. Once the application / proposal is received by the authority they shall take decision upon it within three months thereafter.

[MANGESH S. PATIL, J.]

[S.V. GANGAPURWALA, J.]