

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1678 OF 2019

IN

WRIT PETITION NO.877 OF 2017

The Collector, Pune,
District-Pune

....Applicant/original
Respondent No.2

In the matter between

Smt. Rakhamabai Krishnaji Nehere

.....Petitioner

Versus

The State of Maharashtra & Ors.

.....Respondents

Smt. M.S. Srivastav, AGP for the State/Applicant.

Mr. V.B. Tapkir a/w. J.S. Jadhav, Advocate for petitioner.

**CORAM : RANJIT MORE &
SMT. BHARATI H. DANGRE, JJ.**

DATE : 26th JULY, 2019.

P. C. :

1. Not on board. Upon mentioning taken on board as the main matter is on board.

2. By an order dated 28.11.2018, this Court had allowed the writ petition filed by the petitioner and directed the respondents to pay family pension to the petitioner along with the entire arrears due from 17.05.2017 within a period of six weeks from the date of uploading of the said order. On failure to disburse the pensionary amount, an interest @ 7% per annum was also levied. Along with this, the respondents were

also directed to pay to the petitioner the cost of Rs.25,000/- within a period of six weeks from the date of the uploading of the said order. With the aforesaid directions, the rule issued in the petition was made absolute.

3. Learned counsel for the petitioner makes a statement that the arrears of pension along with the interest have been received by the petitioner, but the costs quantified at Rs.25,000/- remained unpaid till date.

4. When enquired with the learned AGP, she informs that the Civil Application No.1618 of 2019 is moved by the applicant-respondent No.2 for modification of the order passed on 28.11.2018 and particularly seeking relief from this Court to revoke the order imposing costs of Rs.25,000/-.

5. We have perused the said application and also heard the learned AGP on the reliefs sought in the said application. We do not find any merit in the said application and particularly when we have taken note of the fact that the petitioner had superannuated in the year 1978 and he had entered names of both his wives in the service record for the purposes of pension and the second wife died on 02.04.2002, thereby the petitioner only remain to be entitled for the pension. We have also noted that on 16.05.2007 the husband of the petitioner also died and in the

order dated 28.11.2018, we have already noted that there is undue delay in releasing the pension to the petitioner. In such circumstances, we feel that the order directing payment of costs cannot be said to be unjust and in such circumstances, the civil application stands dismissed.

6. We direct the respondent State to pay an amount of Rs.25,000/- to the petitioner within a period of four weeks from today.

7. Civil application stands disposed off.

[SMT. BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]