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

906 WRIT PETITION NO.2621 OF 2020

SMT. LALITA ALAIS KUSUM MANOHAR KAMBLE
VERSUS
THE DIVISIONAL OFFICER, PERSONNEL BRANCH,
THROUGH D. C. BODKE APOPA FOR D.R.M. P.A. AND
OTHERS

...

Mr V. S. Borkar, Advocate for petitioner;
Mr M. N. Navandar, Advocate for respondent No.1

**CORAM : RAVINDRA V. GHUGE
AND
S. G. MEHARE, JJ.
DATE : 8th December, 2021**

PER COURT:

1. While issuing notice on 20/02/2020, we had expressed in our order that it is not clear whether the deceased had worked for a period of service, which could be termed as qualifying service for family pension. We were also informed that the deceased entered into a second marriage. The petitioner, claiming to be a widow, submits that the second wife is dead and respondent Nos.2 to 4 are the sons (erroneously mentioned as daughters in the earlier order), born to the deceased in his relation with the alleged second wife.

2. There are several disputed issues raised. Moreover, the deceased was in the employment of the Indian Railways at Pune.

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3. The learned Advocate for respondent No.1 submits that the Central Railway, Pune has never declined to pay pension. It was only demanded from the petitioner that she should produce a succession certificate in the face of a dispute of there being alleged two wives and there being no proof as to who was the first wife. A succession certificate was necessary, as the issue involved payment of money.

4. We agree with the contention of Shri. Navandar, that in such matters, a succession certificate is necessary. In the absence of such a certificate, the Railways cannot grant pension to the petitioner. Ultimately, such money are paid from the tax collections and the payment should not go into wrong hands.

5. In view of the above, this petition is dismissed. We make it clear that there would be no embargo for the petitioner to get a right established by availing of a proceeding, as is permissible in law.

(S. G. MEHARE, J.)

(RAVINDRA V. GHUGE, J.)

sjk