

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

WRIT PETITION NO. 134 OF 2021

Gangubai Shenfad Chandol .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Anandsing S. Bayas, Advocate for the Petitioner.
Shri P. K. Lakhotiya, A.G.P. for the Respondent No. 1.
Shri S. S. Tope, Advocate for Respondent Nos. 2 to 4.

**CORAM : S. V. GANGAPURWALA AND
S. G. DIGE, JJ.**

DATE : 17TH DECEMBER, 2021.

FINAL ORDER :

. The petitioner seeks family pension.

2. We have heard Mr. Bayas, the learned advocate for the petitioner, Mr. Tope, the learned advocate for respondent Nos. 2 to 4 and the learned Assistant Government Pleader for respondent/State.

3. The husband of the petitioner while on duty as a Chief of the Center died. According to the petitioner her husband had rendered thirty years of service. The proposal for family pension is not forwarded. The petitioner was given provisional pension for the period 10.08.2016 to 09.02.2017 i. e. for a period of six months and thereafter, she is not given any pension.

4. Mr. Bayas, the learned advocate for the petitioner relies on the judgment of the Division Bench of this Court dated October 21, 2021 in Writ Petition No. 4624 of 2021 and another judgment dated 20th July, 2021 in Writ Petition No. 6485 of 2020 to submit that, if, a person dies prior to the decision in his validation proceeding, the pension and the retiral benefits should not be denied.

5. Yesterday, we had requested Mr. Tope, the learned advocate for respondent Nos. 2 to 4 to take instructions in the matter. Mr. Tope, the learned advocate submits that, Mr. Kailas G. Datkhil, the Education Officer (Primary), Zilla Parishad Jalna and Mr. Dilip S. Shahgadkar, Block Education Officer Bhokardan are present in the Court. According to his instructions from them, the husband of the petitioner namely Shenfad Chandol was appointed as an untrained teacher. Thereafter he was given permanent posting in the year 1994. At the time of appointment he was not considered from any reserved category. The roster was not prepared. He was also not given benefit of reservation in promotion.

6. As the deceased husband of the petitioner Shenfad Chandol was not appointed from reserved category and so also not given benefit of reservation in promotion, then, in such circumstances, no question arises of producing validity certificate.

7. In the light of the above, we pass following order.

8. The respondents shall consider the proposal of the petitioner for grant of family pension as per rules. It is submitted that, proposal is already forwarded to the concerned authority. The said proposal shall be processed expeditiously, of course, after verifying legality of the claim and entitlement of the petitioner thereto. If the petitioner is found entitled, the pensionary benefits shall be paid to the petitioner as applicable within a period of two (02) months from today. The arrears may be paid expeditiously and preferably within a period of six (06) months from today. The regular pension be paid to the petitioner immediately. The proposal of the petitioner may not be rejected only on the ground of non submission of validity certificate.

9. In the light of the above, the writ petition is disposed of. No costs.

[S. G. DIGE, J.]

[S. V. GANGAPURWALA, J.]

bsb/Dec.21