

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

917 WRIT PETITION NO.11516 OF 2021
SUMANBAI MURLIDHAR PATIL
VERSUS
THE UNION OF INDIA & OTHERS

...

Advocate for the petitioner: Mr. Shaikh Mohammad
Naseer A.

AGP for the respondent-State : Mr. S.P. Tiwari
Advocate for respondent nos. 1 and 2 : Ms. Sudha S. Kulthe

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

DATE : 16.12.2021

P.C. :

1] We have heard learned counsel for the petitioner. Learned counsel for the petitioner submits that family pension be paid to the petitioner at the correct rate.

2] The petitioner has also not mentioned in the petition the amount of family pension which the petitioner would be entitled to. None of the parties to the petition are in a position to make statement that how much amount of family pension per month is receivable by the petitioner.

3] In absence of it, it would not be possible to invoke writ jurisdiction to decide the quantum of family pension the petitioner is entitled to.

4] The respondent – authorities / competent authority shall determine the amount of family pension to which the petitioner would be entitled to, in accordance with Rules. The petitioner for that purpose may file an application with respondent no.2 within a period of 15 days from today. Respondent no.2, if he is competent authority, shall take decision upon the said application and / or may forward the same to the competent authority to take decision upon the said application with regard to the quantum of the family pension to which petitioner would be entitled to. The decision on the said application shall be taken preferably within six months from the date of receipt of the application.

5] After taking decision by the competent authority, the family pension shall be paid to the petitioner accordingly and if arrears are required to be paid, the same shall also be paid to the petitioner.

6] With the above observations, Writ Petition is disposed of. No costs.

[S.G.DIGE, J.]

[S.V.GANGAPURWALA, J.]