

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO. 13750 OF 2019**

Babanbai Dadarao Ghorpade

.. Petitioner

Versus

Marathwada Agricultural University,
Parbhani through its Vice Chancellor
and others

.. Respondents

Mr. Ganesh A. Gadhe, Advocate for the Petitioner.

Mrs. V. A. Shinde-More, Advocate for Respondent No. 1.

Mr. A. S. Deshpande, Advocate for Respondent Nos. 5 to 11.

**CORAM : S. V. GANGAPURWALA &
R. N. LADDHA, JJ.**

DATED : 10th AUGUST, 2021.

PER COURT:-

1. Mr. Gadhe, learned counsel for the petitioner submits that the petitioner is the wife of the deceased Dadarao who was in employment with respondent No. 1. The husband of the petitioner died on 17.07.2007 immediately upon superannuation. The learned counsel submits that respondent Nos. 5 to 11 have filed Civil Suit challenging the status of the petitioner that she is not legal wedded wife of deceased Dadarao Ghorpade. On 05.03.2016, the Civil Court has delivered the judgment holding that the present petitioner is the legally wedded wife of deceased Dadarao and further orders are passed regarding the apportionment of the amount of gratuity and provident fund.

2. The said judgment would be binding on all the parties. The present respondent No. 1 was also party to the said Civil Suit.

3. It is contended by the learned counsel for respondent No. 1 that the petitioner is required to comply with certain documentation and that the petitioner is not vacating the official quarter.

4. According to the learned counsel for the petitioner, the petitioner is not residing in the official quarter.

5. The respondent No. 1 can take steps for evacuating the persons occupying official quarter after the death of Dadarao, in accordance with law and for the said purpose the respondent No. 1 cannot withhold the statutory benefits entitled to by the petitioner in accordance with the provisions of the statute, rules and the judgment of the Civil Court, more particularly when petitioner is not occupying the official quarter.

6. In the light of above, the respondent No. 1 shall process the papers of the petitioner for family pension on its own merits and take decision with regard to the grant of family pension to the petitioner, expeditiously and preferably within a period of three (03) months from today.

7. Writ petition accordingly is disposed of. No costs.

(R. N. LADDHA)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

PS.B.