

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.2611 OF 2018

Smt. Saraswati Pandurang Tarlekar .. Petitioner
Versus
The Account Officer,
Officer of Principal Accountant General & Ors. .. Respondents

Mr.J.P. Kharge for the petitioner.
Ms.Kavita N. Solunke, AGP for the respondents-State.
Smt. Saraswati Pandurang Tarlekar, petitioner in-person present.

**CORAM : R.D. DHANUKA
ABHAY AHUJA, JJ.**
DATE : 11th October 2021

P.C.:-

. Heard learned counsel for the petitioner and also the petitioner who is present in Court.

2. By this petition filed under Article 226 of the Constitution of India, the petitioner has prayed for an order and direction to the respondent nos.1 to 4 to consider the application of the petitioner and to conduct enquiry against the respondent no.5 in respect of the pension. The petitioner claims to be the first wife of the respondent no.5. There are various proceedings pending between the petitioner and the respondent no.5.

3. On 6th October 2021, this bench recorded a statement made by the learned counsel for the petitioner that she has already filed criminal proceedings against the respondent no.5 for various reliefs. We granted time to the learned counsel for the petitioner on the last date to take instructions for withdrawal of the proceedings and pursue the criminal proceedings already filed against the respondent no.5.

4. Learned counsel for the petitioner states that appeal filed by the husband of the petitioner before the matrimonial Court is still pending and this Court shall direct the respondent no.5 to withdraw those proceedings also.

5. By an order dated 23rd July 2010 passed by the learned Single Judge in Civil Application No.1599 of 2010 in Writ Petition No.1021 of 2009 which was filed by the respondent no.5 herein has held that the respondents in the said writ petition i.e. employer shall process the pension papers of the applicant-petitioner on the basis that he had voluntarily retired from service w.e.f. 23rd June 2005. Any payment made in accordance with the said order would be without prejudice to the rights and contentions of the parties to the writ petition. This Court directed the employer to process the pension papers of the husband of the petitioner within eight weeks from the date of the said order.

6. In view of the said order, we cannot pass any order in favour of the petitioner inter alia praying for an order and direction for conducting enquiry against the respondent no.5 in respect of the pension. Writ petition is accordingly dismissed. It is however, made clear that the petitioner would be at liberty to file appropriate proceedings in

accordance with law against the respondent no.5 in so far as the claim against the respondent no.5 individually are concerned. No order as to costs.

ABHAY AHUJA, J.

R.D. DHANUKA, J.