

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 3497 OF 2019

PETITIONERS :-

1. Gulam Mustafa Gulam Mehmood,
aged about 50 years, Occup Nil
2. Gulam Siddique Gulam Mehmood, aged
about 42 years, Occup Nil
3. Kamrus-Sahar Gulam Mehmood, aged
about 40 years, Occup Nil

All R/o Gadhiward, Near Jama Masjid,
Pusad, Dist. Yavatmal.

...VERSUS...

RESPONDENTS :-

1. The State of Maharashtra, through its
Secretary, Department of Urban
Development, Mantralaya, Mumbai 32
2. The Regional Director, Municipal
Administration, Amravati Region
Amravati.
3. The Collector, Yavatmal, District
Yavatmal.
4. The Municipal Council, Pusad- through
its Chief Officer, Pusad, District Yavatmal.

Mohammad Ateeque Abdul Mushtaque counsel for the petitioners.
Mr.A.A. Madiwale, AGP for respondent Nos. 1 to 3.
Mr. Anand Deshpande, counsel for respondent No.4.

**CORAM : SUNIL B.SHUKRE &
ANIL S.KILOR, JJ.**

DATE : 25.08.2021.

ORAL JUDGMENT (Per :Sunil B.Shukre, J.)

1. Heard.

2. Rule. Rule made returnable forthwith. Heard finally by consent of the learned counsel appearing for the parties.

3. Learned counsel for the respondent No.4 has produced before us a photostat copy of the communication addressed to petitioner No.3 by Chief Officer, Municipal Council, Pusad. The communication is of the date of 23.08.2021. It is taken on record and marked 'A' for the purpose of identification. By the document 'A', respondent No.4 has allowed the application of the petitioners for grant of pensionary benefits to them as per the rules, after the death of their father in 1992 and demise of their mother in the year 2016. The communication states that upon allowing of the application of the petitioners, the petitioner No.3, being the youngest of all the petitioners, would be given family

pension. However, the communication does not speak anything about the payment of arrears. Since, the petitioners have been found to be entitled to receive family pension as per rules, the availability of benefits of the family pension would be from the date on which the entitlement of the petitioners commenced. This date was of 02.08.2016. Therefore, the arrears which have become due and payable to the petitioner No.3 on behalf of all the petitioners would also have to be paid by the Municipal Council, Pusad .

4. In the result, we allow this Writ Petition in terms of the communication, dated 23.08.2021- (document A) and also direct the respondent No.4 to make the payment of arrears of family pension from 02.08.2016 till the date from which the family pension has commenced to be paid to the petitioner No.3.

Rule accordingly. No costs.

(ANIL S. KILOR,J)

(SUNIL B. SHUKRE,J)