

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.3803 OF 2020**

Chandrakala @ Sarojana Wd/o Balaji Chaudhari,
Age: 31 years, Occu. Household,
R/o House No.1-11-623 Nandkishor Nagar,
Jangamwadi, Nanded,
at present r/o Balaji Nagar, Near D Mart,
Canal Road, Nanded. ..Petitioner

VERSUS

1. The State of Maharashtra
Through it's Secretary,
General Administration
Department, Mantralaya, Mumbai 32.
2. The Chief Executive Officer
Zilla Parishad, Nanded.
3. The Block Development Officer,
Panchayat Samiti, Nanded. ..Respondents

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Mr. Sagar S. Phatale, Advocate for the Petitioner.
Mr. A. S. Shinde, AGP for Respondent No.1.
Mr. S. B. Pulkundwar, Advocate for Respondent Nos.2
and 3.
Mr. S. S. Rathi, Advocate for Respondent Nos.4 to
6.

...

**CORAM : R. D. DHANUKA &
S. G. MEHARE, JJ.**

DATED : 15th MARCH, 2022.

ORAL JUDGMENT (Per R. D. Dhanuka, J.):-

1. Rule. Rule is made returnable forthwith.
2. Mr. Shinde, learned A.G.P. for respondent no.1 waives notice. Mr. Pulkundwar, learned counsel for respondent nos.2 and 3 waives notice. Mr. Rathi, learned counsel for respondent nos.4 to 6 waives notice.

3. By this petition filed under Article 226 of the Constitution of India, the petitioner seeks writ of mandamus against respondent nos.2 and 3 to decide the applications dated 11.04.2019 and 10.06.2019 for grant of family pension and also the payment of unpaid salary within stipulated period of time.

4. The learned counsel for respondent nos.2 and 3 states that, his client is agreeable to decide the said application within a period of four weeks from today. The statement made by the learned counsel for respondent no.2 is accepted. Time to decide the said application is granted as prayed.

5. The respondent nos.4 to 6 are also claiming the rights in the family pension and other service benefits of their predecessor through whom the petitioner widow also claims. The petitioner as well as respondent nos.4 to 6 are directed to appear before respondent no.2 on 25.03.2022 at 11.00 am.

6. The respondent no.2 shall decide the application for payment of pension and other retiral dues of the deceased Balaji Chaudhari after hearing the petitioner as well as respondent nos.4 to 6 in accordance with law, on its own merits, within a period of four (04) weeks from the date of hearing. The order that would be passed shall be communicated to the petitioner as well as respondent nos.4 to 6 within a period of one (01)

weeks from the date of passing of order. If any amount of pension as well as retiral dues are due and payable, the respondent no.2 shall make such payment of retiral dues as well as pension as may be found due to the persons entitled to such pension and retiral dues within a period of two (02) weeks from the date of passing such order upon completion of requisite formalities.

7. It is made clear that, this Court has not expressed any views on merits of the entitlement of the petitioner as well as respondent nos.4 to 6 for payment of pension and retiral dues. All contentions of parties are kept open.

8. Writ Petition is allowed in the aforesaid terms.

9. Rule is made absolute. No Order as to costs.

10. Parties to act on authenticate copy of this order.

(S. G. MEHARE)
JUDGE

(R. D. DHANUKA)
JUDGE