

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

904 WRIT PETITION NO.7646 OF 2022

**SANGITABAI UTTAM BORDE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

...
Advocate for Petitioner : Mr. S.A. Ambad
AGP for Respondent/State : Mr. S.G. Karlekar
Advocate for Respondent 2 : Mr. S.B. Deshpande
...

**CORAM : RAVINDRA V. GHUGE &
ARUN R. PEDNEKER, JJ.**

DATED : SEPTEMBER 6th, 2022.

PER COURT :

1. On 24.8.2022, we had passed the following order :-

1. The petitioner claims to be a widow, who is 48 years of age today. Her husband purportedly joined the Corporation as a Safai Kamgar on daily wages on 05.09.1986. He died on 11.03.1994. The petitioner was appointed on compassionate basis and presently is in service. However, grievance raised by filing this petition on 13.04.2022 is that the gratuity, provident fund and pension amount payable to the deceased has not been released.

2. Since Shri Deshpande, the learned Advocate is on the panel lawyers representing the Corporation, we requested him to appear in this matter and take instructions.

3. List this petition in the passing orders category on 6th September, 2022.

2. The learned advocate representing the Aurangabad Municipal

Corporation (AMC), places before us, a photostat copy of the communication received by him, dated 2.9.2022, from the Assistant Commissioner Establishment, which is marked as 'X' for identification. It is stated that the deceased husband of the petitioner was a Safai Majdoor and he passed away on 6.4.1994. Considering the recommendations of the Lad Page Committee (Vashila Padhat), the petitioner, his widow, was appointed as a Safai Majdoor. The records available with the AMC do not contain the purported service book of the deceased husband of the petitioner.

3. The petitioner contends that the deceased was working on daily wages from 5.9.1986 and he died on 11.3.1994. We find an order issued by the AMC, appointing the deceased as a Safai Majdoor/Shipai for a period of three months and if his work in this period was found to be satisfactory, the AMC was to take a decision with regard to continuing his service. Besides this one letter, the petitioner does not have any record to indicate that her husband was working as a daily wager or a permanent employee with the AMC, till he died on 11.3.1994.

4. The learned advocate for the petitioner candidly submits that the petitioner did not approach the Controlling Authority under the Payment of Gratuity Act, 1972, for seeking payment of gratuity amount. She also did not apply to the Provident Fund Authorities to seek withdrawal of the provident fund accumulation, if any, in the name of the deceased.

5. In these circumstances, the best possible that can be done in this matter is to direct the AMC to search for the records within a time frame and assess, whether the deceased was entitled for any service benefits, post his demise.

6. In view of the above, this petition is disposed off. We direct the AMC to search through it's available records and assess as to whether the deceased was entitled for any service benefits. In the event, it is noticed that he was entitled for such benefits, the same shall be calculated and shall be paid to the petitioner. This entire exercise shall be completed till 31st January, 2023.

7. Needless to state, the petitioner is at liberty to independently approach the Provident Fund Authorities for putting forth a claim for withdrawal of provident fund accumulations, if any.

[ARUN R. PEDNEKER J.]

[RAVINDRA V. GHUGE, J.]

SSC/