

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.7532 OF 2022**

Minakshi Yashwant Deshmukh ..Petitioner

Versus

The State of Maharashtra and Ors. ..Respondents

...

Mr. B. B. Kulkarni, Advocate for the Petitioner.
Mr. S. P. Tiwari, AGP for Respondents-State.

...
**CORAM : RAVINDRA V. GHUGE
AND
ANIL L. PANSARE, JJ.
DATED : 21st JULY, 2022.**

PER COURT:-

1. The petitioner is a 55 years old lady who has approached this Court by putting forth prayer Clauses (B) and (C) as under:-

"B. This Hon'ble Court be pleased to quash and set aside letter Dt. 09.05.2022 issued by respondent no.3 bearing outward No.जिपजा / शिक्षण / प्रा-9 / सेनिवे / कावि / 2022/1707.

C. The Hon'ble Court be pleased to direct respondent no.2 to continue the pension benefits of father of the petitioner to the present petitioner."

2. The sequence of events need mention as under:

a. The father of the petitioner was receiving pension since his superannuation on 31.07.2000.

b. He passed away on 03.02.2008.

c. The mother and the petitioner started receiving the pension on his demise and she passed away on 20.02.2021.

d. The husband of the petitioner is said to have left her company on the basis of a private agreement (Sod Chiththi) from 18.05.1992.

e. The Maharashtra Civil Services (Pension) Rules, 1982 are applicable in the case of the father of the petitioner.

f. Rule 116 (5) under the Maharashtra Civil Services (Pension) Rules, 1982, provides that the family pension would be payable, in the case of a Widower upto date of death or remarriage whichever is earlier and in the case of the Widow, upto the date of death. Sub-Clause (iii), provides that an unmarried daughter would be entitled for family

pension till the age of 24 years or until she gets married, whichever is earlier.

3. As such, the words widow or widower, are in connection with the person who was in employment and is not in connection with the daughter of the person who was in employment. To the extent of a daughter, an unmarried daughter would get the pension until she attains the age of 24 years or till she gets married. The petitioner before us has already got married and though she claims to have been deserted by her husband, without a proper divorce decree, a lady cannot be said to be a divorcee on the basis of a Sod Chiththi (agreement).

4. In view of the above, this petition cannot be entertained and the same is therefore dismissed.

(ANIL L. PANSARE)
JUDGE

(RAVINDRA V. GHUGE)
JUDGE