

Jose

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.538 OF 2019

URMILA LAXMAN MASURKAR

... Petitioner.

Versus

STATE OF GOA, THR. THE
CHIEF SECRETARY AND 3 ORS.

... Respondents.

Mr. Amey Jagdish Sinai Kakodkar, Advocate *for the Petitioner.*

Mr. Pravin Faldessai, Additional Government Advocate *for
Respondent Nos.1, 2 and 3.*

**CORAM: M.S. SONAK &
R.N. LADDHA, JJ.**

DATED: 12th April 2022

ORAL ORDER: (Per M.S. Sonak, J.)

1. Heard Mr. Amey Kakodkar for the Petitioner and Mr. P. Faldessai learned Additional Government Advocate for Respondent Nos.1, 2 and 3.
2. Mr. Kakodkar points out that Respondent No.4 was served earlier through publication. He states that the Petitioner is now aged about 70 years. He, therefore, states that the Petitioner will now be satisfied if liberty is granted to her to represent to Respondent Nos.1, 2 and 3 for release of the balance 50 percent of the retirement benefits on account of the demise of her son who succumbed to cancer. He submits that some time-bound directions be issued to Respondent Nos.1, 2 and 3 to dispose of such representations.

3. In this case, on 11.11.2019, we made the following order:-

“The service upon the respondent is complete as pointed in the affidavit of service by publication.

2. By way of interim relief we direct the respondents No. 1,2 and 3 to process the pension papers and release 50% of the entire retiral benefits including pensionary benefits amount in favour of the petitioner as expeditiously as possible and in any case within a period of 6 weeks from today.

3. The aforesaid directions shall be subject to further orders. This means that the petitioner to receive the aforesaid amounts subject to further orders that will be made in this petition.

4. Stand over after 6 weeks to report compliance.”

4. Thereafter, on 02.03.2020, we made the following order:-

“Mr. Kakodkar, the learned Counsel for the petitioner confirms that 50% of the retiral benefits have already been received by the petitioner.

2. Taking into consideration the age of the petitioner as well as the fact that this Petition concerns retiral benefits accrued to her son, who succumbed to cancer, we place this matter on 08.04.2020 for final disposal at the stage of admission itself.

3. Issue notice to the respondent no. 4, which is now made returnable on 08.04.2020, to indicate that this Petition will be disposed off finally at the stage of admission.

4. Petitioner to take steps to serve the respondent no. 4.”

5. Considering the aforesaid orders, as also what is set out in the petition, we think that the request of Mr. Kakodkar, in the circumstances, is quite reasonable.

6. Accordingly, we dispose of this petition by granting the Petitioner liberty to make a representation to Respondent Nos.1, 2 and 3 for grant of the balance retiral benefits. Mr. Kakodkar states that such representation will be made within two weeks from today. Mr. Faldessai states that such representation will be disposed of by the Director of Accounts after granting the opportunity of hearing to the Petitioner and Respondent No.4 within three months from the date of receipt of such representation. This statement is accepted.

7. The petition is disposed of in the aforesaid terms by making out interim order for release of 50 percent of the retiral benefits to the Petitioner absolutely. The issue before Respondent Nos.1, 2 and 3 will now pertain to the balance 50 percent of the retiral benefits.

8. The petition is disposed of in the aforesaid terms. There shall be no order for costs.

9. Miscellaneous Civil Application No.844/2022 (F) no longer survives and the same is disposed of.

R.N. LADDHA, J.

M.S. SONAK, J.

JOSE FRANCISCO
DSOUZA

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