

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

933 WRIT PETITION NO.1590 OF 2022

NIRMALA DATTUJI SONWANE (NIRMAL RAJABHAU CHAUHAN)
VERSUS
THE VICE-CHAIRMAN/MEMBER SECRETARY AND OTHERS

...
Advocate for Petitioner : Ms. Preeti D. Rane and Ms. Sunita D.
Shelke

AGP for Respondents 3 and 5: Mr. S.K. Tambe

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**CORAM : RAVINDRA V. GHUGE AND
SANJAY A. DESHMUKH, JJ.
DATED : 19th JANUARY, 2023.**

PER COURT :-

1. This matter has been transferred to this Bench under the orders of the Hon'ble the Chief Justice of the Bombay High Court. The service of the petitioner, who is now more, has been protected by the ad-interim order passed at Nagpur Bench.

2. The petitioner had prayed for an expeditious decision in her validation claim of belonging to Thakur S.T. category. The petitioner has passed away on 23.01.2021. On oral request, we have taken the legal heirs of the deceased petitioner on record. The necessary amendment, for bringing the legal heirs on record, would be carried out by the petitioner, on or before 25.01.2023.

3. The learned advocate for the petitioner rightly submits that if the petitioner's claim is not validated, she would not be entitled for

service benefits or the benefits available to her legal heirs after her demise. The pending proceeding cannot be treated as being abated as this would lead to no decision on the claim of the petitioner and the employer would presume that her claim is not validated. She, therefore, prays that the legal heirs be permitted to prosecute the pending case of the petitioner before the competent committee.

4. The learned A.G.P. submits that, in the peculiar facts of this case, as recorded above, there is no question of granting service protection, as the petitioner has passed away. The committee be granted a little more time in this matter so as to decide the claim of late petitioner, being prosecuted through her legal heirs, on or before 31.08.2023. The legal heirs are agreeable.

5. In view of the above, this petition is disposed off with the following directions:-

- a) The legal heirs of the deceased petitioner would tender a copy of this order, obtained from the official website of the Bombay High Court, to the competent committee at Yeotmal/ Amravati etc. as may be case, on or before 15.02.2023.
- c) The committee would permit the legal heirs of the deceased petitioner to pursue her claim for validation.
- d) The petitioners would render wholehearted cooperation to the competent committee in the pending proceeding and shall

refrain from seeking adjournment on unreasonable or trivial grounds, lest the committee would be justified in progressing to the next stage in the proceedings.

- e) The petitioners would also tender their latest postal address, E-mail Ids. as well as their registered mobile numbers, in order to enable the competent committee to enter into correspondence with the petitioners.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE , J.)

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