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

905 WRIT PETITION NO. 15257 OF 2023

PREMA SHANKARRAO JADE, DIED, THR. L.R. JAYPRAKASH
GANGADHAR AMBEKAR

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

....

Mr L. H. Kawale, Advocate for Petitioner;
Mr P. S. Patil, A.G.P. for Respondent Nos.1 & 2
Mr P. R. Tandale, Advocate for Respondent No.3

CORAM : RAVINDRA V. GHUGE

AND

Y. G. KHOBRADE, JJ.

DATE : 19th December, 2023

PER COURT:

1. The Petitioner is the son of the deceased employee/mother, who passed away on 27/03/2017. His father passed away in 2015.

2. The issue is as regards the deceased being entitled for a particular pay-scale from 01/01/1986. The requirement for being eligible to the said pay-scale is, that the employee should have secured employment prior to 02/07/1972.

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3. There is no dispute that the deceased passed her 10th Standard in April 1974 as per the certificate placed on record. Her date of birth was 13/08/1947. Her appointment was effected by the order dated 09/07/1970.

4. There is no issue that this Petition can be maintained at the behest of the deceased Petitioner's son in the light of the view taken by the Single Bench of this Court in **Yogeshwari Shikshan Sanstha, Ambajogai and another Vs. Sujata Prakash Ansarwadkar and another, [2017 (1) Mh.L.J. 868]**.

5. It is equally undisputed that the Petitioner before us is an adult, and considering the provisions of the Maharashtra Civil Services (Pension) Rules, 1982, an adult son is not entitled for Pension of his mother or father, and if it is a daughter, she would be entitled for the pension until she is married. In view of these facts, the Petitioner would not be entitled for any pensionary benefits.

6. It was held by this Court vide the Judgment dated 13/02/2014, delivered in Writ Petition No.1311/1997 (Tryambak

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Sonajirao Patil Vs. State of Maharashtra) and connected matters, that the candidate would be entitled for the pay-scale, who has acquired S.S.C. qualification after his/her appointment, provided, the appointment was to be effected prior to 02/07/1972 in the light of the Government Resolution dated 04/10/1983. While drawing this conclusion, this Court concluded that, as the claim was belatedly put forth, the benefits would be available prospectively. By the orders in Writ Petition No.13474/2019 (Yadav Chokhaji Patil Vs. State of Maharashtra and others) and Writ Petition No.1083/2022 (Madhavrao Vithoba Thakare, Died, thr. L.Rs. Balaji Madhavrao Thakare and others Vs. State of Maharashtra and others) this Court held that, as the claim was lodged after a long delay, arrears of salary to the deemed trained teacher would not be available and there would be a notional calculation of such pay-scale with the actual benefits being paid only for the purposes of pension and the other retiral benefits.

7. The deceased employee has already received the retiral benefits and the pension. She had superannuated on

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31/08/2005. The Petition is lodged in 2022. The son is already an adult and the husband of the widow is pre-deceased.

8. In view of the above, **this Writ Petition is disposed off**, only with the declaration that the deceased was a ‘deemed trained graduate teacher’. However, no monetary benefits would be payable in the facts recorded herein.

(Y. G. KHOBRAGADE, J.)

(RAVINDRA V. GHUGE, J.)

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