

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.1223 OF 2023

1. Smt Shobha wd/o Devaji Weladi,
Aged-47 years, Occupation-Housewife

2. Sagar S/o Devaji Weladi,
Aged-24 years, Occupation-Nil

Both the petitioners are R/o Ettawahi,
Tah. Etapalli, Dist. Gadchiroli

... Petitioners

-vs-

1. State of Maharashtra,
through its Secretary,
Department of Rural Development,
Mantralaya, Mumbai-32

2. Zilla Parishad, Gadchiroli,
through its Chief Executive Officer

... Respondents

Shri P. N. Shende, Advocate for petitioners.

Shri S. A. Ashirgade, Additional Government Pleader for respondent No.1.

Shri A. W. Paunikar, Advocate for respondent No.2.

CORAM : A. S. CHANDURKAR AND MRS VRUSHALI V. JOSHI, J.

DATE : August 08, 2023

Oral Judgment : (Per : A. S. Chandurkar, J.)

Rule. Rule made returnable forthwith and heard the learned counsel for the parties.

The husband of petitioner No.1 came to be appointed as untrained primary teacher at the school run by respondent No.2-Zilla Parishad, Gadchiroli. He expired in harness on 16/07/2022 after rendering qualifying service of twenty years. The petitioners being deprived of

the benefit of family pension have approached this Court by filing the present writ petition.

2. The learned counsel for the petitioners as well as learned counsel for Zilla Parishad do not dispute that a similar issue of grant of benefit of family pension to untrained primary teachers has been considered and decided at the Aurangabad Bench in Writ Petition No.6143/2016 (*Smt Umabai W/o Ramkrishna Deshmukh vs. The State of Maharashtra and ors. with connected writ petitions*) by judgment dated 04/07/2019. It has been held therein that such teachers cannot be denied the benefit of pension/family pension only on the ground that they did not possess requisite qualification. The aforesaid decision has been followed in judgment dated 03/04/2023 with regard to Zilla Parishad, Gadchiroli in Writ Petition No.2035/2022 (*Anjali wd/o Madhukar Kando and anr vs. State of Maharashtra and anr.*) by the Division Bench of this Court to which one of us (Mrs Vrushali V. Joshi, J.) was party.

3. For aforesaid reasons and by following the reasons indicated in the aforesaid decisions, it is held that petitioners are entitled to benefit of family pension. The Zilla Parishad, Gadchiroli shall accordingly

release the amount of family pension and other benefits as admissible in accordance with the recommendations of the 7th Pay Commission. The requisite steps be taken within three months of receipt of copy of this judgment.

4. Rule is made absolute in aforesaid terms with no order as to costs.

(Mrs Vrushali V. Joshi, J.)

(A. S. Chandurkar, J.)