

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

WRIT PETITION NO.2657 OF 2023

Anita W/o Sharad Ganvir, C/o Shri Jagdish Madhukar Nagar, Near Tarn Mitra Mandal, Borgaon
Square, Nagpur 440013

-vs-

The Union of India, Thr. General Manager, CSTM, Mumbai and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri Sanjay Patrikar, Advocate for petitioner.

Shri N. S. Deshpande, Deputy Solicitor General of India for respondents.

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

DATE : June 26, 2023

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1. Rule. Rule made returnable forthwith and heard the learned counsel for the parties. Shri N. S. Deshpande, learned Deputy Solicitor of India waives notice of the respondents.

2. One Sharad Ganvir was working with the respondents as Tech-II. He died in harness on 20/03/2015 leaving behind the petitioner, his widow. It transpired that the said Sharad Ganvir was married to one Maya and his subsequent marriage in 2003 with the petitioner was not objected to by her. After the death of Sharad Ganvir, the petitioner sought release of pensionary benefits as well as relief of appointment to her son on compassionate ground. It is informed that insofar as appointment to her son on compassionate ground is concerned, that relief has been granted. Since the petitioner was not granted pensionary benefits, she had approached the Central Administrative Tribunal in Original Application No.646/2021. By the order dated 21/03/2022 the said application insofar as the present petitioner is concerned has been withdrawn with liberty to approach the Authority for family pension. Subsequently the petitioner sought review of that

order. The review application however was dismissed on 12/12/2022 on the ground that there was no error apparent on the face of record. In the aforesaid backdrop the petitioner has prayed for grant of family pension.

3. The learned counsel for the petitioner by inviting attention to the review application submitted that in the light of the decision of the Honourable Supreme Court in *Dhannulal and ors. vs. Ganeshram and anr. (2015) 12 SCC 301* as well as judgment of the Madras High Court in *C. Sarojini Devi vs. The Director of Local Funds Audit (Laws Mad 2020-1-156)* the petitioner as second wife would be entitled to pensionary benefits. He therefore submits that the petitioner would approach the respondent Nos.2 and 3 seeking release of family pension.

4. Shri N. S. Deshpande, learned Deputy Solicitor General of India has no objection for the aforesaid course since the petitioner had withdrawn the earlier Original Application for the same reason.

5. In view of aforesaid the writ petition is disposed of by permitting the petitioner to make an application to the respondent Nos.2 and 3 for release of family pension. If such application is made by the petitioner, the same shall be considered by the respondent Nos.2 and 3 in accordance with law and the decision thereon shall be taken expeditiously but not later than three months. The decision taken be communicated to the petitioner.

6. Keeping the points raised in the writ petition open, it is disposed of with aforesaid directions. No costs.