

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

Writ Petition No.8304/2022

Latabai w/o Sarjerao Bhoyar,
Aged 76 years, Occ. Nil,
R/o.-Sant Tukadoji Ward, Hinganghat,
Tq. Hinganghat, Distt. Wardha.

... Petitioner

VERSUS

1. The State of Maharashtra,
School Education Department,
Mantralaya, Mumbai-32.
2. Accountant General (A&E)-II,
Pension Branch, Office, Civil Linres,
Nagpur, Dist. Nagpur.
3. Education Officer (Secondary),
Zilla Parishad, Wardha, Dist. Wardha.
4. Head Master, Sarasvati Vidyalaya,
Dhondgaon, Post Girad, Tq. Samudrapur,
Distt. Wardha.

...Respondents

Mr. S.U. Ghude, Advocate for the petitioner.
Mr. M.K. Pathan, AGP for respondents 1 to 3.

CORAM : Rohit B Deo & M.W. Chandwani, JJ.
DATE : 05-07-2023.

JUDGMENT (Per M.W. Chandwani, J.)

The petition seeks direction to the respondents 2 and 3 to

release the family pension and other pensionary benefits to the petitioner.

2. The petitioner is mother of deceased Rajesh S. Bhoyar who was the employee of respondent 4 School. He died while he was in service. At the time of appointment of deceased Rajesh Bhoyar, the school was having 100% grant from the Government. On 23-07-2021, the respondent 4 sent the proposal of pension of the petitioner. Accordingly, the respondent 2 released the gratuity amount to the petitioner, however, other pensionary benefits such as regular pension is not released by the respondent nor any reason has been given. Hence, this petition came to be filed.

3. We have heard learned Counsel for the petitioner as well as Mr. Pathan, learned AGP for the State.

4. The respondent is relying on Rule 116 (6)(b)(iv) which prescribes that dependent mother and father, in the order of that preference, having no independent income or sources of economic sustenance, in the case of a single Government servant as declared

by him in the Form- 3A.

5. Since, the petition was lacking of this details in this regard viz-a-viz whether the deceased had left any family member or whether the petitioner has any other heir employed in the Government job, the Pension Officer was called. The said officer informed this Court that the deceased employee was married and left behind him Mrs. Rupali, It is also informed that brother of deceased Prashant is also employed gaining fully as Laboratory Attendant. The petitioner was directed to file an affidavit clarifying the position. Accordingly, the petitioner filed an affidavit clarifying that deceased employee Rajesh was married with Rupali and their marriage was dissolved by divorce. It was also mentioned that the petitioner's son Prashant is also working as Laboratory Assistant in the Dr. B.R. Ambedkar Vidyalaya, Hinganghat. Therefore, it is crystal clear that the petitioner was not dependent on the sole Government employee, who did not had any member of his family mentioned in the Pension Rules. Therefore, the petitioner is not entitled to family pension.

6. The petition is devoid of merit. Hence, the same is dismissed.

Judge

Judge

Deshmukh