



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

WRIT PETITION NO. 2571 OF 2024

RADHABAI KRUSHNA KURE

VERSUS

**THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS**

...

Mr. Vitthal G. Salgare, Advocate for the Petitioner.

Mr. N. S. Tekale, AGP for Respondent Nos.1 to 3.

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**CORAM : SMT. VIBHA KANKANWADI AND
S. G. CHAPALGAONKAR, JJ.**

DATED : 06th MARCH, 2024.

P.C.

1. The present petition has been filed for issuing direction to respondent nos.3 to 5 to pay the amount of General Provident Fund credited/standing in the name of husband of the petitioner.

2. Heard the learned Advocate appearing for the petitioner as well as learned A.G.P. for respondent nos.1 to 3. It is not necessary to issue notice to respondent nos.4 and 5 taking into consideration the fact that the proposal is still pending with respondent no.3.

3. We have considered the documents especially the nomination paper in respect of GPF, which was dated 10.06.2004 and it has been stated that the entire amount should be given to the wife.

4. The learned A.G.P. places communication dated 19.10.2023 given by respondent nos.3 to respondent no.5 stating that nomination form was not attached to the proposal and there is reference to the decision of a Court stating that the documents by all the heirs of the

deceased should be produced. The petitioner has produced heirship certificate issued by the 6th Joint Civil Judge, Senior Division, Latur on 20.12.2022, wherein in all six persons have been declared as legal heirs of the deceased Krusha Raghunath Kure.

5. In fact when there appears to be a clear nomination by the deceased immediately after he entered the service or during his service on 10.06.2004, it ought to have been acted upon, but respondent no.3 says that he had not received the said document. In view of this position, the writ petition can be disposed of with direction to the petitioner as well as respondent no.3 as follows:

- a. The petitioner to submit all the documents before respondent no.3 by remaining present on 18.03.2024.
- b. The respondent no.3 to consider the nomination form given by the deceased which appears to be part of the service book, which is stated to be given on 10.06.2004 and thereupon, respondent no.3 to take decision within a period of one month. The decision so taken be immediately conveyed to the petitioner.

6. Writ Petition is disposed of.

(S. G. CHAPALGAONKAR)
JUDGE

(SMT. VIBHA KANKANWADI)
JUDGE