



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

979 WRIT PETITION NO. 7539 OF 2023

SWAPNA NITIN PATIL
VERSUS
THE STATE OF THROUGH SECRETARY AND OTHERS

...
Advocate for petitioner : Mr. B.R. Warma
AGP for the respondent – State : Mr. K.N. Lokhande
Advocate for respondents no. 6 and 7 : Mr. Prafullasing H. Patil
...

**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.**

DATE : 2 JULY 2024

PC :

We have heard both the sides finally.

2. The petitioner is seeking *writ of mandamus* directing respondents no. 6 and 7 i.e. the management and the school to process and forward the pension papers regarding her deceased husband who died while being in their employment.

3. Though respondents no. 6 and 7 in their affidavit in reply have been raising certain issues like the mother in law of the petitioner having approached civil Court and is a necessary party to the present petition, their learned advocate is oblivious of the fact as to whether any interim order has been passed in the suit / proceeding preventing processing of the pension papers.

4. In any event, when admittedly, petitioner's husband was in the employment of respondents no. 6 and 7, unless there is some direction / order of the competent authority / Court, preventing them from undertaking the process for finalization of the pension, one cannot countenance their stand to sit idle.

5. If at all there is some dispute between the petitioner and her mother in law, that can be taken care of, as is being submitted, in the substantial proceeding before the civil Court. That should not prevent respondents no. 6 and 7 in processing the pension papers.

6. We allow the writ petition and direct the respondents no. 6 and 7 to finalize and forward the pension proposal in respect of the petitioner's husband as expeditiously as possible and in any case within four weeks.

7. Respondents no. 2 to 5 thereafter to take appropriate steps for finalizing the pension proposal within six weeks thereafter.

[SHAILESH P. BRAHME]
JUDGE

[MANGESH S. PATIL]
JUDGE

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