



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

21 WRIT PETITION NO. 9969 OF 2023

SHAILA PANDHARINATH MALPURE @ WANI AND ANOTHER
....Petitioner

VERSUS

THE STATE OF MAHARASHTRA

.....Respondents

.....
Mr. Yogesh A. Jadhav, Advocate for the PetitionerS
Mr. S. K. Tambe, AGP for the Respondents-State
Mr. A. D. Aghav, Advocate for Respondent No.3,
Mr. S. R Dheple, Advocate for Respondent No.5

CORAM : RAVINDRA V. GHUGE &
Y. G. KHOBRAGADE, JJ.

DATE : 15th January, 2024

ORDER:

1. We have heard the learned Advocates for the respective sides.
2. The father of the Petitioners namely Pandharinath Tanhiram Wani, retired as Education Officer from the Zilla Parishad, Ahmednagar. The deceased father of the petitioners was receiving pensionary benefits with effect from 01.02.1992. On 02.02.2006, their mother passed away. On 16.01.2012, the father of the petitioners passed away. The Petitioners are special children and are without any pension of their father to which they are legally entitled to ever since their father's demise. The learned Advocate representing the Ahmednagar Zilla Parishad submits that the proposal of the Petitioners is in the final stage.

3. In view of the above, **this Petition is allowed.**

4. We direct the Ahmednagar Zilla Parishad to ensure that the decision with regard to grant of pension to these two Petitioners, who are special children, is arrived at on or before 31st January, 2024 and regular pensionary benefits would be paid to these petitioners with effect from the date on which the pensionary benefits stopped in view of Rule 116 (5) of the Maharashtra Civil Services (Pension) Rules, 1982, especially, the Proviso which entitles the son or daughter of a Government servant who is suffering from any disorder or disability of mind or is physically crippled or disabled so as to render him or her unable to earn a living even after attaining the age of twenty-one years in the case of the son and twenty four years in the case of the daughter, to the family pension for life

5. Needless to state, the pension would be payable to the elder sibling who will ensure that the younger sibling is also sustained and nurtured from the said amount of pension. We are informed that both the siblings are living together.

(Y. G. KHOBRAGADE, J.)

(RAVINDRA V. GHUGE, J.)

JPChavan