



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

WRIT PETITION NO. 8805 OF 2024

ALAKNANDA BHIMRAO PADALWAR

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

....

Mr. P. V. Jadhavar, Advocate for the Petitioner

Ms. Neha Kamble, AGP for the Respondent – State

Mr. S. B. Pulkundwar, Advocate for Respondent Nos. 3 to 5

....

**CORAM : RAVINDRA V. GHUGE AND
Y. G. KHOBRAGADE, JJ.**

DATE : 21.08.2024

PER COURT :-

1. The Petitioner is a widow who has approached this Court for seeking service benefits of her deceased husband. Prayer clauses (B) and (C) read as under:-

“(B) By issuing appropriate writ, order or direction in like nature, may kindly issue direction against the respondent authority/employer release the monthly pension and retiral benefits like provident, gratuity, leave encashment, medical reimbursement, over time etc.

“(C) Pending hearing and final disposal of this writ petition, may kindly issue direction against the respondent authority / employer release the monthly pension and retiral benefits like provident, gratuity, leave encashment, medical reimbursement, over time, etc.”

2. We find from the record that there is no dispute with regard to the factum of the permanent service of the Petitioner's deceased husband, Bhimrao Madhavrao Padalwar. He claimed to be belonging to the 'Mannervarlu' Scheduled Tribe category. The learned Advocate for the Petitioner submits that inadvertently it is typed as 'Koli Mahadev' in the first paragraph of the Petition.

3. The Petitioner relies upon the judgment delivered by this Court dated 20.07.2021, in Writ Petition No.6485 of 2020, filed by Sunita Widow of late Pradip Thakar Vs. The State of Maharashtra and others. In the said case, when the claim of Sunita's husband was pending validation before the Committee, he passed away while in employment. The widow sought family pension and retiral benefits like provident fund, gratuity, leave encashment, medical reimbursement, over time, etc.

4. In Sunita (supra), this Court relied upon an earlier judgment delivered in *Prakash Fulchand Barwal since deceased through his Legal Heirs Smt. Shobhabai Barwal and others Vs. The State of Maharashtra and others*, Writ Petition No.3718 of 1994, decided on 12.08.2010.

5. In view of the above, we do not have any reason to take a different view. Since the husband of the Petitioner has passed away before a decision on his pending proposal seeking validation, this **Writ Petition is allowed in terms of prayer clause (B)**. All the legal dues shall be calculated by the Respondent authority/employer, within a period of 60 days. Statutory interest on the unpaid amounts would also be taken into account while calculating the legal dues and such payment shall be made within a period of 60 days.

6. In the event, any legal representative of the Petitioner seeks compassionate appointment in place of the deceased Bhimrao Padalwar, the law laid down by the Full Bench of this Court in ***Om Bhagwanrao Anjanwad Vs. The State of Maharashtra and others, 2022 (4) Mh.L.J. 723***, mandating the applicant to tender a validity certificate for seeking compassionate appointment, would be applied. So also, the law on small families, laid down in ***Sunita and others vs. The State of Maharashtra and others, 2023 (5) Mh.L.J. 40***, by the Full Bench of this Court will also be followed.

[Y. G. KHOBRADE, J.]

[RAVINDRA V. GHUGE, J.]