



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

WRIT PETITION NO. 2685 OF 2019

Banobee Mohd Usman

VERSUS

The State Of Maharashtra And Others

...

Mr. A. G. Dalal, Advocate for the Petitioner

Mr. A. A. A. Khan, AGP for Respondent Nos. 1 to 5

...

CORAM : RAVINDRA V. GHUGE &  
R. M. JOSHI, JJ

DATE : MARCH 20, 2024

ORAL JUDGMENT (PER RAVINDRA V. GHUGE, J)

1. Rule. Rule made returnable forthwith and heard finally by the consent of the parties. This is a suo-moto special drive for deciding pending old pension matters.

2. We have considered the submissions of the learned Advocates for the respective sides. There is no dispute between the Petitioner and the Respondents as regards the following two aspects:-

(a) the deceased husband of the Petitioner was never entitled for pension. (b) The Petitioner is a widow, is entitled for family pension of Rs. 60 per month from 01.01.1984 in the light of the Government Resolution

dated 16.09.1984 & the Government Resolution dated 20.06.1986.

3. The Petitioner's husband was appointed in the Customs Department of the then Hyderabad Princely State. The Hyderabad Princely State merged into the Union of India on 17.09.1948. All Government employees of the State came to be absorbed in the State of Hyderabad. Husband of the Petitioner came to be absorbed in the Civil Supplies Department along with continuity of service, pay scale and seniority. He was transferred to Gangapur Tehsil Office. On 21.06.1954 he was transferred to the Tehsil Office at Aurangabad. On 31.03.1955, the Civil Supplies Department was abolished and the Petitioner's service came to an end. On 12.05.1958, he prayed for absorption in some other department. The said request was turned down.

4. In view of the above, **this Petition is partly allowed** with the following directions:

- (A) Since we have concluded that the Petitioner is entitled for the pension in the light of Government Resolution dated 16.04.1984 as the deceased superannuated prior to 01.01.1964 and the Petitioner is still

alive, which was the pre-condition for widow to be alive on 01.01.1984, we permit the Petitioner to make an application to Respondent No. 2 praying for releasing the pensionary benefits which started @ Rs.60 p.m. and which have been increased from time to time.

- (B) Respondent No. 2 shall forward the proposal to Respondent No. 5, within 30 days.
- (C) Respondent No. 5 would clear the said proposal within 30 days and make appropriate calculations of the payment of pension amount beginning with Rs. 60 p.m. and as per the revised pension amounts from time to time and issue appropriate directions for the payment of the total arrears amount to the Petitioner, within 45 days from the date of receipt of the proposal from Respondent No. 2. Further payment of pension shall be at the current rate.
- (D) Considering the delay, we are not granting interest on the arrears.

5. Rule is made partly absolute in above terms.

(R. M. JOSHI, J)  
Malani

(RAVINDRA V. GHUGE, J)