



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

WRIT PETITION NO. 5171 OF 2024

Ahmednagar Municipal Corporation  
Through Its Commissioner

VERSUS

Ahmednagar Mahanagar Palika Kamgar Union  
Through Its Secretary And Another

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- Mr. V. S. Bedre, Advocate for the Petitioner
- Mr. P. V. Barde, Advocate for the Respondents

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CORAM : R. M. JOSHI, J  
DATE : SEPTEMBER 10, 2025

PER COURT :

1. By consent of both sides, heard finally at the stage of admission.

2. This Petition takes exception to the judgment and order dated 30.08.2022 passed by the learned Industrial Court, Ahmednagar in Complaint ULP No. 06/2021 whereby claim of the Respondents of family pension came to be allowed.

3. Parties are referred to as "Corporation" and "Complainant" for the sake of convenience.

4. It is the case of the complainant that she married to Raghunath who was employee of the

Corporation. The said marriage came to be performed in the year 1974. As per the statement in the complaint itself, Raghunath married to Rukhmini and that the said marriage subsisted then. Complainant claims that after death of Raghunath, she is entitled to receive family pension.

5. This claim of the complainant came to be resisted by the Corporation by contending that complainant is not legally wedded wife of Raghunath and as such, she cannot be considered as widow in order to receive family pension.

6. Learned Industrial Court by passing impugned judgment and order allowed Complain ULP No. 06/2021 and directed Corporation to grant family pension to complainant Asha Raghunath Rokde.

7. Learned Counsel for the Petitioner/Corporation submits that from the complaint itself it is clear that the complainant is not legally wedded wife of Raghunath and hence, she is not entitled for family pension. To support his submissions, he placed reliance on the judgment of Full Bench of this Court in case of

*Kamalbai w/o Venkatrao Nipanikar vs. The State of Maharashtra and Others, Writ Petition No. 9933/2016*

relied upon the judgment of Hon'ble Supreme Court in case of *Rameshwari Devi vs. State of Bihar, (2002) 2 SCC 431* wherein it is held that the second wife is not entitled for the family pension.

8. Learned Counsel for Respondents/Complainant supported the impugned judgment and order. According to him, complainant has obtained heirship certificate from the Competent Court, which indicates that she is legal heir of deceased Raghunath. Apart from this, it is his contention that in view of provisions of Maharashtra Civil Services (Pension) Rules, 1982, the complainant being widow of Raghunath is entitled for family pension.

9. Perusal of the complaint itself indicates that there is admission on the part of the complainant that during the subsistence of the first marriage of Raghunath, she performed marriage with him in the year 1974. There is no dispute about the fact that Raghunath died on 21.08.2010. Further, admittedly after superannuation of Raghunath, his wife Rukhmini was

appointed in the Corporation as Sweeper. The complainant has never raised any objection with regard to said appointment. Rukhmini died in the year 2012. It is in the year 2021, complainant has filed the compliant claiming her entitlement to the pension on the death of Raghunath.

10. Though the complainant has obtained heirship certificate indicating she is legal heir of Raghunath, her admission in the complaint more than sufficiently establishes that the alleged marriage of complainant with Raghunath in the year 1974 was during the subsistence of his first marriage. Thus, it cannot be said that complainant was married to Raghunath and was legally wedded wife of Raghunath. Consequently, she cannot be considered as widow in order to seek family pension.

11. The Industrial Court has committed serious error in ignoring the admission of the complainant in the complaint itself and has wrongly placed reliance on Rule 116 of the said Rules for directing the amount of pension to the complainant. Petitioner/Corporation, therefore, has made out a case to cause interference in

the impugned judgment and order.

12. In view of above discussion, Petition stands allowed in terms of prayer clause "B".

13. Needless to say that above observations are restricted to the extent claim of the complainant with regard to family pension.

(R. M. JOSHI, J.)