



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

934 WRIT PETITION NO. 2634 OF 2018

**TUKARAM PIRAJI RAKHE DIED LRS DATTAHARI TUKARAM RAKHE AND
OTHERS
VERSUS**

THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for the Petitioner : Mr. Parnere Satish B
AGP for Respondent/State : Mr. S.R.Yadav-Lonikar

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**CORAM : S. G. MEHARE AND
SHAILESH P. BRAHME, JJ.**

DATE : 09 JANUARY 2025

PER COURT :

. Leave granted to the petitioner to implead The Assistant Commissioner, Social Welfare Department, Hingoli as respondent no.4. Amendment be carried out forthwith.

2. This petition has been prosecuted by legal heirs of Tukaram Piraji Rakhe who was working as 'Helper' with the respondent no.3/School. Their contention is that he was entitled to ACPS benefits as per the Government Resolution 30.04.1998 which was not awarded to him. A proposal was forwarded by Headmaster to Assistant Commissioner on 05.02.2018 which has not been decided by the concerned authority.

3. Learned AGP submits that, the deceased employee never claimed ACPS during his life. The claim has been made by the heirs of the deceased employee after his death belatedly. They are not

entitled to the benefits in question. It is further submitted that the comprehensive proposal has not been submitted. The proposal of 05.02.2018 would be inadequate to take any decision.

4. It reveals from record that there is no objective scrutiny of the proposal submitted on 05.02.2018. The entitlement of deceased petitioner can be assessed on the basis of the prevailing government policies. The proposal which is with Assistant Commissioner is of 05.02.2018. It would be appropriate to direct the petitioner to make comprehensive proposal to the Competent Authority. Learned counsel for the petitioner submits that the petitioners are ready to submit proposal afresh.

5. The ends of justice would be met in directing the petitioner to submit the proposal within period of four (04) weeks from today which shall be taken into consideration.

6. In case the proposal is submitted within period of four (04) weeks then the same shall be decided by the respondent no.4 on its merit. The decision shall be taken by the respondent no.4/ The Assistant Commissioner, Social Welfare Department, Hingoli or in case if higher authority is competent to take decision the proposal shall be forwarded to the higher authority.

[SHAILESH P. BRAHME, J.]

[S. G. MEHARE, J.]

vsj..

