



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 2875 OF 2024

Smt. Vaishali Wd/o Rajkumar Yerne and others Vs. Zilla Parishad,
Gadchiroli and others

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. M.I. Dhattrak, Advocate for Petitioners
Mr. M.L. Vairagade, Advocate for Respondent Nos.1 to 3
Mr. V.N. Morande, Advocate for Respondent No.4

**CORAM: AVINASH G. GHAROTE AND
ABHAY J. MANTRI, JJ.**

DATED : 24th MARCH, 2025

1. The present petition seeks a direction to the respondent Nos. 1 to 3 to release the service benefits including gratuity, provident fund and group insurance of the deceased Rajkumar Yerne, who passed away on 08.03.2019 when he was in the service of respondent no.1. The respondent No. 1 has declined to proceed ahead with the claim on behalf of the counter claim made by the respondent No. 4 in this regard. The respondent No. 4, claims himself to be illegitimate son of deceased Rajkumar Yerne and therefore claims right to the extent of 1/4th share in the above said properties, on account of which, in M.J. Case No. 8/2019 under Section 3 of the Bombay Regulation Act, 1827, a judgment has been passed on 16.07.2022, declaring

the present petitioners as well as respondent No. 4 as the legal heirs of deceased Rajkumar, which would indicate that the petitioner Nos. 1 to 3 and respondent No. 4 would each have 1/4th share and entitlement in the properties left behind by Rajkumar Yorme. The petitioners have placed on record a pursis dated 24.3.2025 under their signatures and marked as "X" for the purpose of identification, in terms of which, they have expressed their willingness to share the service emolument of deceased Rajkumar Yorme to the extent of 25% each. This would also be in consonance with the judgment dated 16.7.2023 passed in M.J. Case No. 8/2019. In that view of the matter, we direct the respondent No. 1 to process the claim of the deceased Rajkumar Yorme for the purpose of grant of pension, gratuity, provident fund and group insurance and upon calculating the same, distribute the gratuity, provident fund and group insurance to the extent of 25% to each of the petitioners and the respondent No.4. Insofar as pension is concerned, the same shall be payable to the petitioner No. 1 alone, who is the widow in terms of the statutory provisions applicable. The same shall be done within a period of four weeks from today. In view of the above peculiar situation, group photograph of the petitioners Nos. 1 to 3 and

respondent No. 4 will not insisted upon. The petition is allowed in the above terms. No costs.

(ABHAY J. MANTRI, J.)

(AVINASH G. GHAROTE, J.)

MP Deshpande