



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

WRIT PETITION NO. 10904 OF 2025

Usha Gangayya Gundam

...Petitioner

VERSUS

The State Of Maharashtra And Others

...Respondents

Ms. A.N. Ansari, Advocate for the petitioner

Mr. A.V. Lavte, AGP for Stat

Mr. V.P. Patil, Advocate for respondents No. 2 to 4

Mr. R.A. Tambe, Advocate for respondent No. 5

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**CORAM : NITIN B. SURYAWANSHI AND
VAISHALI PATIL JADHAV, JJ.**

DATE : 18th APRIL, 2026

ORAL JUDGMENT: [Per Nitin B. Suryawanshi, J.]

1. Rule. Rule made returnable forthwith. Heard finally with the consent of the parties.
2. By this petition, petitioner challenges the order dated 01.03.2024 passed by respondent No. 4- Senior Account Officer, Maharashtra Jeevan Pradhikaran, Cidco Bhavan (South-Region) Belapur, Navi Mumbai.
3. Husband of the petitioner namely Gangayya Shivanna Gundam was appointed as Sectional Engineer with respondent No. 2 on 20.06.1996. On completion of 58 years of service, he retired on

superannuation on 26.03.2018. But before receiving retiral benefits and pension, he expired on 17.06.2018.

4. After the death of the husband, petitioner approached respondents for family pension and retiral benefits of her husband. She was asked to get succession certificate. Petitioner obtained succession certificate on 22.02.2023 and submitted it to the respondents. By the impugned order, family pension is refused to the petitioner on the ground that on the first page of the service book of the husband of the petitioner his caste is mentioned as Mannervarli (Scheduled Tribe). However, the same is not verified and caste certificate is not submitted. Being aggrieved, petitioner has preferred this writ petition.

5. Heard learned advocate for the petitioner, learned AGP for State, learned advocate for respondents No. 2 to 4 and learned advocate for respondent No. 5.

6. In support of petition, petitioner relies on the order passed by this Court at Nagpur Bench in Writ Petition No. 2904/2022 (Hemant Govindrao Langhe Vs. Deputy Director Health Services & Another).

7. Learned advocate for respondents No. 2 to 4 has opposed the petition by relying on the affidavit in reply and the Government Resolution dated 18.05.2013.

8. Learned advocate for respondent No. 5 has adopted the arguments of learned advocate for respondents No. 2 to 4.

9. Learned AGP submits that appropriate orders may be passed as per record.

10. The services rendered by the petitioner's husband are not in dispute. Admittedly, till the retirement of petitioner's husband, he was never called upon to submit the validity certificate. Therefore, respondents are not entitled to deny family pension and retiral benefits to the petitioner on that ground. This is as if respondents are trying to take advantage of their own wrong in denying rightful claim of the petitioner. In this view of the matter, we are of the view that reliance placed by learned advocates for respondents No. 3 to 5 on Government Resolution dated 18.05.2013 is misplaced.

11. In Hemant Langhe (supra) this Court at Nagpur Bench has made following observations:

"8. Having heard learned Counsel for the parties and perused the documents on record. We find that though the communication was issued to the petitioner to submit the Caste Validity Certificate, however, during his entire tenure of service he was never asked to submit the validity certificate. Only requirement was to submit the caste certificate as

per the appointment order issued to the petitioner dated 11/05/1994. There is no order passed by any authority depriving the petitioner of his retiral benefits. As observed by the Hon'ble Apex Court in the case of V. Sukumaran Vs. State of Kerala and anr. in Civil Appeal No.3984 of 2010 decided on 26/08/2020, that pension is succour for post-retirement period. It is not a bounty payable at will, but a social welfare measure as a post-retirement entitlement to maintain the dignity of the employee. It is further held that the pensionary provisions must be given a liberal construction as a social welfare measure. This does not imply that something can be given contrary to rules, but the very basis for grant of such pension must be kept in mind, i.e., to facilitate a retired Government employee to live with dignity in his winter of life and, thus, such benefit should not be unreasonably denied to an employee, more so on technicalities. In another case of Jitendra Kumar Srivastava and anr. (supra) it has been held that withholding of pensionary benefits has been supported by a statutory order in that regard. Similar view has been taken in R Sundaram (supra). In absence of any such order the petitioner is not liable to be deprived of his pensionary benefits. In the case of Jagdish Balaram Bahira and ors. (supra) in paragraphs 72 and 73 while considering the case of a similarly situated person it was noted that the claim of belonging to Mahadeo Koli was held to be not

admissible. The payment of retiral benefits already effected was not interfered with.

9. This Court has also considered the issue in Vishnu Gangaram Sonawane Vs. Chief Executive Officer, Zilla Parishad, Nashik and ors. [2015 (3) Mh.L.J. 41] wherein it is held that in absence of any provision of law pensionary benefits which is recognised as property cannot be withheld and/or stopped. In another judgment of Shri Trimbak s/o Ramchandra Sontakke Vs. The State of Maharashtra and ors. [2016 (5) ALL MR 343] also it is held that withholding of pensionary benefits without passing order under Rule 27(1) is illegal and it is held that the petitioner was held entitled to the benefits with interest."

12. For the aforestated reasons, we hold that petitioner is wrongfully deprived of family pension since 2018, petition, therefore deserves to be allowed.

13. In the result, writ petition stands allowed in terms of prayer clause 'B' and 'C', which read thus:

"(B) To quash and set aside the order dated 01.03.2024 passed by the respondent no. 4- Senior Account Officer, Maharashtra Jeevan Pradhikaran, Cidco Bhavan (South-Region) Belapur Navi Mumbai.

(C) The respondent be directed to release the family

pension and all other pensionary benefits in favour of the petitioner from the month of June, 2018 and the service pension from March, 2018 to June, 2018 forthwith."

14. Respondents shall comply this exercise and pay family pension and all the pensionary benefits to the petitioner within a period of 08 weeks from the date of receipt of copy of this order along with interest as per rules.

Rule is made absolute in the above terms.

(VAISHALI PATIL JADHAV, J.)

(NITIN B. SURYAWANSHI, J.)