

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 12661 OF 2025

Hemant Laxman Sakpal

.. Petitioner

Versus

Dairy Manager,
Office of the Central Dairy & Ors.

.. Respondents

.....

- Mr. Ashwin Vasista a/w Ms. Neelam V. Morey i/by M/s. Prism Legal, Advocates for Petitioner
- Ms. A.A. Nadkarni, AGP for Respondents

.....

CORAM : MILIND N. JADHAV, J.

DATE : JANUARY 19, 2026

P. C.:

1. Heard Mr. Vasista, learned Advocate for Petitioner and Ms. Nadkarni, learned AGP for Respondents - State.

2. Petitioner is a disabled person. His mother was working in Class III Category as "Clerk" in Aarey Dairy at Worli. She retired on 31.03.2016 and subsequently in October 2016 passed away. Petitioner being the only surviving legal heir and son of the deceased is entitled to compassionate pension, computation of which is given in letter dated 30.05.2024 (appended at Exh. "F", page No. 29 of Petition). Thereafter under the Pension Payment Order dated 17.09.2024 addressed by the Office of the Assistant Accountant General to the Treasury Officer / PAO Mumbai, payment of family pension is effected and directed to be paid to the Petitioner - sole surviving son of the

deceased on expiration of every month. Said order is appended at page No. 30 of the Petition. Computation in Part-II under the said Pension Payment Order is appended at page No. 31. Admittedly Petitioner has been designated to be an authorized person and eligible member as per the MCS Pension Rules, 1982, 116(3) read with GR(FD) dated 08.10.2018 as per the said order.

3. Mr. Vasista would submit that there is an eviction order dated 11.04.2023 passed by the Competent Authority i.e. Respondent No. 2 pursuant to which on 23.08.2024, Petitioner has vacated the subject public premises. He would submit that once the public premises have been vacated at least from 23.07.2024 Petitioner is entitled to compassionate pension as also arrears of the same.

4. Ms. Nadkarni, learned AGP enters appearance for the Respondents. Matter is listed today for the first time after it moved before this Court on last Saturday. Learned AGP is directed to file affidavit in reply to the Petition within a period of one week from today. Concerned Officer of Respondent Nos. 1 and 2 is directed by this Court to give appropriate instructions to learned AGP in order to enable her to prepare affidavit in reply.

5. Stand over to **27th January, 2026.**

[MILIND N. JADHAV, J.]