

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.2542 OF 2000

Smt. Masoombi wd/o. Lalkhan Pathan
Age 70 years, Occ. Household
R/o. Near S.T. Stand, Near Talwar
River Bridge, At Post, Tal. Ashti
Dist. Beed - 414 203.

.. PETITIONER/S

VERSUS

- 1] The State of Maharashtra
through Govt. Pleader,
High Court, Aurangabad.
- 2] The Accountant General (A & E)-II
Maharashtra State, Nagpur.
- 3] The Tahsildar, Ashti,
Tal. Ashti, Dist. Beed.
- 4] The Collector, Beed,
Dist. Beed 431 122.

.. RESPONDENT/S

Mrs. A.N. Ansari, Advocate for petitioner.
Mr. V.H. Dighe, AGP for respondents.

CORAM :- A.H. JOSHI &
SUNIL P. DESHMUKH, JJ.

DATE :- 15TH FEBRUARY, 2013.

JUDGMENT [PER A.H. JOSHI, J]:-

1] The petitioner is widow of one Lalkhan Pathan, an ex-employee of the erstwhile State of Hyderabad.

2] Taking the benefit of Govt. Resolution dated 16th April, 2004 (Exhibit E at Page 11), the petitioner has claimed that she should be given family pension.

3] Heard both sides. Perused the reply.

4] It is seen that by the Government decision dated 16th April, 1984, the Government of Maharashtra has extended the benefit of scheme of family pension to the widows of the Government servants who were formerly in the employment in the State of Hyderabad, who had retired and were getting pension, or, who died during the employment either before or after 1st January, 1984.

5] Admittedly, the petitioner's husband had served only for 8 years and was not drawing any pension.

6] Petitioner's claim is that though her husband was not getting pension, she is entitled for family pension, on the basis of the Government Resolution dated 16th April, 1984.

7] Language of Government decision dated 16th April, 1984 does not provide that family pension be given to the wife or other dependent of a retired Government Servant even though he was not getting pension.

8] No other policy decision, or any rule creating a right in favour of a widow of a former Government Servant, who was not otherwise eligible to pension is shown.

9] The claim in the petition is in the

nature of a demand than for enforcement of an existing legal right.

10] We, therefore, see no ground to show any indulgence.

11] Writ petition is therefore dismissed. Rule is discharged. No costs.

[SUNIL P. DESHMUKH,J]

[A.H. JOSHI,J]

grt/-.