

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 134 OF 2018
(Subject – Provisional Family Pension & Pensionery Benefits)**

DISTRICT : PARBHANI

Smt. Latabai wd/o Bapurao Nanher,)
Age : 50 years, Occu. : Household,)
R/o. Singnapur, Taluka & District Parbhani.) .. **APPLICANT**

V E R S U S

- 1) **The State of Maharashtra,**)
Through the Principal Secretary,)
Public Works Department,)
Mantralaya, Mumbai.)
- 2) **The Superintending Engineer,**)
National Highway, Nanded,)
Near Bandhkam Bhavan, Sneha Nagar,)
Tq. & Dist. Nanded.)
- 3) **The Executive Engineer,**)
Tq. & Dist. Nanded,)
National Highway Division, Nanded,)
Near Bandhkam Bhavan, Sneha Nagar,)
Tq. & Dist. Nanded.)
- 4) **The Sub Divisional Engineer,**)
National Highway Sub Division,)
Manwat, Taluka Manwat,)
Dist. Parbhani) .. **RESPONDENTS**

APPEARANCE : Shri Shamsundar B. Patil, Advocate for the
Applicant.

: Shri B.S. Deokar, Presenting Officer for
Respondents.

CORAM : JUSTICE M.T. JOSHI, VICE CHAIRMAN.

DATE : 17.10.2018.

ORAL - ORDER

1. Heard Shri Shamsundar B. Patil, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for respondents.

2. By the present Original Application, the applicant is claiming following reliefs:-

“(B) The respondents may kindly be directed to prepare the pension papers of the late husband of the applicant and sanction the Family Pension to the applicant with effect from 15.12.2016 with all arrears.

“(C) The respondents may kindly be directed to make payment of GPF amount, G.I.S. amount, R.D. and gratuity to the applicant.”

3. The admitted fact on record is that the husband of the present applicant viz. Shri Bapurao Nanher was employed till his death as Mazoor (Labour) with the respondents. Therefore, the applicant has filed the present O.A. for getting pensionary benefits.

4. In paragraph No. 4 of the affidavit in reply, the respondent Nos. 3 and 4 have made following submissions:-

“4. As regards to the contents of Para No. III of the Original application, I say and submit that the husband of the applicant namely Shri Bapurao Nanher expired on 15.12.2016 however, the said Bapurao Nanher, the husband of applicant was absent from duty from 01.12.2007 till his death i.e. 15.12.2016. He was absent from duty without intimation and without sanction leave from competent authority therefore proposal submitted by respondent No. 3 to competent authority in respect of aforesaid leave period and the said proposal is pending for consideration before the competent authority. However, the Executive Engineer has sanctioned and paid the pensionary benefits such as GPF and leave encashment to the applicant by vide office order no. 48 dated 08.05.2018 and vide office order No. 51 dated 10.05.2018 respectively to the applicant.....”

5. It is to be noted that the competent authority referred in the above record is none other than the respondent No. 2 the Superintending Engineer, Nanded. However the said competent authority does not appear to have taken any decision till this date. It is an admitted fact that the applicant has received some of the retirement benefits as detailed in the said affidavit in reply and issue of grant of family pension and other benefits only remained then.

6. In the circumstances, the present Original Application is disposed of without any order as to costs with a direction to the concerned respondents to decide the said proposal within a period of six weeks from the date of this order.

PLACE : AURANGABAD.

DATE : 17.10.2018.

VICE CHAIRMAN

KPB S.B. O.A. No. 15 of 2018 mtj 2018 dies