

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**

**NAGPUR BENCH NAGPUR**

**CIVIL APPLICATION NO.116/2016 AND**

**ORIGINAL APPLICATION NO.364/2016.**

Ku. Talsa d/o Ballya Pegadwar,  
Aged about 40 yrs.,  
Occ- Household,  
R/o Behind Thaware High School,  
Kousalya Nagar, Nagpur.

**Applicant**

**-Versus-**

- 1) The State of Maharashtra,  
Through its Secretary,  
Department of Revenue,  
Mantralaya, Mumbai-440 032.
- 2) The Executive Engineer,  
Integrated Development Unit (Medical),  
PWD Department, Nagpur.
- 3) The Treasury Officer,  
Nagpur.

**Respondents**

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**Shri K.R. Shukla, the learned counsel for the applicant.**

**Shri A.M. Ghogre, the learned P.O. for the respondents.**

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**Coram:- Hon'ble Shri J.D. Kulkarni,**  
**Vice-Chairman (J).**

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**JUDGMENT**

**(Delivered on this 11<sup>th</sup> day of August 2017.)**

Heard Shri K.R. Shukla, the learned counsel for the  
applicant and Shri A.M. Ghogre, the learned P.O. for the respondents.

2. In the O.A., the applicant has claimed an order to regularize her pension. For filing such an application, there is a delay of about five years and, therefore, the applicant is also claiming condonation of delay by filing this O.A. Perusal of the application for condonation of delay shows that the grounds on which the applicant is claiming condonation of delay are vague. At one instance, it is stated that the applicant is an illiterate lady and was not having any knowledge about the proceedings and still she has tried her level best for getting regularized her pension. But thereafter it is stated that she was misguided by agents and lawyers. Her pension has been stopped long back and it is stated that she has been misguided by the lawyers. Some lawyers had consoled her that her work will be done definitely and then misguided her for a long period. The applicant has not mentioned specific instance of such misguidance nor she has disclosed the names of any lawyers and agents. The particulars of misguidance or wrong advice have not been given in the application.

3. From the pleadings in the O.A., it seems that the applicant's father late Ballya Narayan Pegadwar was working in the office of P.W.D., Nagpur as a Mason, has died and he was getting the pension. He nominated the applicant as his daughter and the applicant also got pension after his death for about two years and then

suddenly the pension was stopped and, therefore, the applicant has filed the O.A. for regularizing the pension.

3-A. The applicant herself has placed on record one application filed by her for re-starting her pension. Such application was filed on 4.2.2013 and a copy of which is at page 16 of the O.A. From the said application itself, it is clear that the applicant's father died on 30.9.1990 and the applicant got pension of her father from April 1992 to October 1993 and thereafter pension was stopped. Had it been the fact that the pension was stopped from October 1993, there is no reason as to why the applicant did not approach this Tribunal immediately. Applicant has also not filed any representation immediately after stopping the pension in 1993. Reasons given for condonation of delay are, as already stated are most vague and cannot be accepted.

4. From the reply affidavit of respondent No.2 i.e. the Executive Engineer, Integrated Development Unit (Medical), PWD Department, Nagpur, it seems that after the death of father of the applicant, pension proposal was submitted in the name of his son Laxman. Thereafter applicant's name was entered as nominee of the deceased Ballya Pegadwar for final pension. As per Rule 116 (5) (iii) of the M.C.S. (Pension) Rules, 1982, the period of family pension in

case of unmarried daughter is till she attains the age of 24 years or until she gets married, whichever is earlier. Since the applicant attained the age of 24 years, she is not entitled to pension and, therefore, her pension was stopped. Even without going into the merits of the case, it *prima facie* seems that the claim of the applicant is not tenable and she has absolutely given no satisfactory reason as to why there was a delay in filing the O.A. In view thereof, I pass the following order:-

**ORDER**

The C.A. No. 116/2016 stands dismissed.  
Consequently, the O.A.(St.) No. 364/2016 also stands dismissed with no order as to costs.

(J.D.Kulkarni)  
Vice-Chairman(J)