

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION No. 152/2016 (S.B.)

Shri Dyaneshwar S/o Mahadeorao Jalgaonkar,
Aged about 69 years,
Occ. Retired, R/o Paunar,
Tq. & Dist. Wardha.

Applicant.

Versus

- 1) State of Maharashtra,
through its Secretary,
Department of Public Health,
Mantralaya, Mumbai-32.
- 2) District Malaria Officer,
Wardha.
- 3) Assistant Director of Public Health (Malaria),
Nagpur Division, Nagpur.
- 4) Office of the Accountant General (Accountants & Entitlement)-II
Maharashtra, Nagpur-440 001.
- 5) Upper Treasury Officer,
Treasury Office, Wardha.
- 6) Smt. Lilabai W/o Dyaneshwar Jalgaonkar,
Aged about 51 years,
Occ. Household, R/o Paunar,
Tq. & Dist. Nagpur.
- 7) Smt. Shakuntala W/o Dyaneshwar Jalgaonkar,
Aged about 62 years,
Occ. Household, R/o Wardha,
Tq. & Dist. Wardha.

Respondents.

S/Shri R.R. Vyas, S.B. Tiwari, Sneha Dhote, Advs. for the applicant.

Shri S.A. Sainis, P.O. for respondent nos. 1 to 5.

None for respondent no.6.

Shri M.R. Rajgure, Advocate for respondent no.7

**Coram :- Hon'ble Shri Anand Karanjkar,
Member (J).**

Date of Reserving for Judgment : 11th September, 2019.

Date of Pronouncement of Judgment : 11th September, 2019.

JUDGMENT

(Delivered on this 11th day of September,2019)

Heard Shri A. Ananthkrishnan, Id. counsel holding for Shri R.R. Vyas, Id. counsel for the applicant, Shri S.A. Sainis, Id. P.O. for R-1 to 5, none for respondent no.6 and Shri M.R. Rajgure, Id. counsel for R-7.

2. In this O.A. the applicant is challenging Annex-A-4, Annex-A-5 and Annex-A-7. The Annex-A-5 is the letter written by the Additional Treasury Officer, Wardha to Accountant General, Nagpur. In this letter it was informed that in the Service Book of the applicant name of Smt. Leela N. Jalgaonkar (R/6) was shown as nominee to receive the family pension. The objection was raised by the A.G. that the respondent no.7 Smt. Shakuntala N. Jalgaonkar was the legally wedded (first) wife of the applicant and their marriage was not dissolved, therefore, the respondent no.7 was entitled for the family pension of the applicant. It is request of the applicant that direction be given to R-1 to 5 to restore the name of R-6 as a nominee of the applicant to receive pensionary and other retiral benefits.

3. The respondent no.4, the Accountant General has filed reply which at page no.43. The respondent no.2 has filed reply at page no.58 and the respondent no.7 has filed reply at page no.92. All the respondents have justified their action on the ground that the respondent no.7 is the (first) legally wedded wife of the applicant. The Annex-A-2 is filed by the applicant. It is the copy of the Judgment and decree passed by the 12th Joint Civil Judge (Junior Division), Wardha. In this Suit the present applicant and the respondent no.6 were defendants and declaration was claimed by the respondent no.7 that she was legally wedded wife of the applicant. In that Suit the Civil Court recorded the findings that the respondent no.7 was legally wedded wife of the applicant and accordingly passed a decree for such declaration. The applicant has filed Anx. A-1 the copy of the petition for divorce filed by him in the Court of C.J.S.D. Wardha. During course of argument the learned counsel for the applicant accepted that the Judgment and decree passed in RCS No.72/2010, decided on 26/8/2011 was never challenged by him by preferring appeal. Therefore, fact is that now there is a declaration pronounced by the Competent Court that the respondent no.7 is legally wedded wife of the applicant. It is also supported by the allegations made by the applicant in the divorce petition as admissions of the material facts. The legal position is settled that the legally wedded wife has

right to receive the family pension after demise of the Government servant.

4. In view of this matter, there appears no substance in this O.A. Hence, the following order –

ORDER

The O.A. stands dismissed. No order as to costs.

Dated :- 11/09/2019.

*dnk..

**(A.D. Karanjkar)
Member (J).**

I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of Steno : D.N. Kadam

Court Name : Court of Hon'ble Member (J).

Judgment signed on : 11/09/2019.
and pronounced on

Uploaded on : 16/09/2019.