

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

**ORIGINAL APPLICATION NO.986 OF 2018**

**DISTRICT : MUMBAI**

Smt. Sujata Pradeep Shirsolkar. )  
Residing at Block No.2A, Family Building, )  
Dr. Bataliwala Road, Parel, Mumbai – 12. )...**Applicant**

**Versus**

1. The State of Maharashtra. )  
Through Home Department, )  
Mantralaya, Mumbai – 32. )
2. The Deputy Commissioner. )  
District Caste Certificate Verification )  
Committee, Kokan Bhavan, )  
Navi Mumbai. )
3. Director General of Police. )  
State of Maharashtra, Maharashtra )  
State Police Headquarters, Shahid )  
Bhagatsingh Road, Near Old )  
Secretariat Building, Mumbai. )
4. Smt. Priti Pradeep Shirsolkar. )  
Residing at New Row House No.10, )  
Near Shivsena Office, Navghar, )  
Deewanman, Vasai (W), Tal. : Vasai, )  
District : Palthar – 401 202. )
5. Ms. Pradnya Pradeep Shirsolkar. )  
Residing at Virginia, USA. )
6. Mr. Prajyot Pradeep Shirsolkar. )  
Residing at Virginia, USA. )
7. Ms. Prachi Pradeep Shirsolkar. )  
Residing at Indiana, USA. )...**Respondents**

**Mr. Shriram S. Redij, Advocate for Applicant.**

**Mr. A.J. Chougule, Presenting Officer for Respondents 1 to 3.**

**None for Respondents 4 to 7 though served.**

**CORAM : A.P. KURHEKAR, MEMBER-J**

**DATE : 05.08.2019**

### **JUDGMENT**

1. Heard Shri S.S. Redij, learned Advocate for Applicant and Shri A.J. Chougule, learned P.O. for Respondents. The Respondent Nos.4 to 7 though served are absent. Applicant also present in the Court.

2. The Applicant has filed this O.A. challenging the impugned communication dated 09.07.2017 whereby she was directed to produce Succession Certificate to establish that she is legally wedded wife of the deceased Pradeep G. Shirsolkar and prayed for direction to Respondent No.2 for releasing all retiral benefits of her deceased husband in her favour.

3. The perusal of record reveals that the deceased Pradeep Shirsolkar was serving with Respondent No.2. He retired on 31.05.2012. After retirement, he passed away on 14.01.2017. In service record, the nominee is shown Smt. Priti P. Shirsolkar (Respondent No.4 in the present O.A.). The Respondent No.4 made an application with Respondent No.2 to release retiral benefits of the deceased in her favour contending that she is the legally wedded wife of deceased Pradeep.

4. The record further reveals that there were criminal proceedings on the report lodged by the present Applicant and Criminal Case No.703/2007 under offences under Section 323, 325, 504, 506 read

with 34 of IPC was lodged against deceased Pradeep before Judicial Magistrate, 1st Class, CBD, Vashi. Simultaneously, the proceeding under DV Act was also filed. However, the deceased Pradeep had filed Criminal Writ Petition No.2656/2013 before the Hon'ble High Court to quash the proceedings. Before Hon'ble High Court, the deceased Pradeep and present Applicant settled the matter amicably and filed consent terms. In view of consent terms, the Writ Petition was disposed of. As per one of the consent term, the deceased Pradeep agreed and undertook to give 50% of retiral benefits to the present Applicant.

5. It is on the above background, the Respondent No.2 by communication dated 09.07.2017 directed the Applicant to seek declaration of her status as a wedded wife, so as to release the retiral benefits to her.

6. The learned Advocate for the Applicant fairly stated that the Respondent No.4 Smt. Preeti had filed proceeding for grant of Succession Certificate in Vasai Court and obtained the Succession Certificate in her favour. However, he has clarified that the Applicant was not made party to the said proceeding, and therefore, he had challenged the grant of Succession Certificate in favour of Respondent No.4 by filing Appeal in District Court, Vasai and the same is subjudice.

7. The Respondent No.2 in his reply contends that there is dispute of the status of the Applicant as a legally wedded wife, and therefore, the O.A. is not maintainable in this Tribunal and the parties are required to get declaration from Civil Court.

8. It is thus quite clear that the dispute relates to status of the present Applicant as a legally wedded wife of the deceased Pradeep.

As such, it being disputed question of fact, it needs to be adjudicated by Civil Court.

9. In view of above, the learned Advocate for the Applicant seeks permission to withdraw the present O.A. with liberty to file appropriate proceedings in Civil Court for appropriate relief.

10. In view of above, the Applicant is allowed to withdraw the O.A. with liberty to avail civil remedy in accordance to law.

11. The Original Application accordingly disposed of with no order as to costs.

Sd/-  
**(A.P. KURHEKAR)**  
**Member-J**

Mumbai  
Date : 05.08.2019  
Dictation taken by :  
S.K. Wamanse.