

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL

MUMBAI

ORIGINAL APPLICATION NO.293 OF 2023

DISTRICT : NASHIK

Smt. Seema Rajesh Sandhanshiv,)
Age 43 years, Occ. Housewife,)
R/at Row House No.4, Pragati Park, Uttara Nagar,)
Old RTO Colony, Opp. Potdar High School,)
Bodhale Nagar, Nashik 422011)..Applicant

Versus

The Commissioner of Police,)
Nashik City Nashik, Gangapur Road,)
Opp. K.T.H.M. College, Police Staff Colony, Nashik-2)..Respondents

Smt. V.K. Jagdale – Advocate for the Applicant

Smt. Archana B.K. – Presenting Officer for the Respondents

CORAM : Smt. Medha Gadgil, Member (A)

DATE : 28th November, 2023

J U D G M E N T

1. The late husband of the applicant viz. Shri Rajesh Dhondu Sandhanshiv, who was working as Assistant Sub Police Inspector, expired on 19.3.2021 due to COVID-19 Pandemic.

2. In this OA the applicant is seeking the terminal benefits including General Provident Fund, Gratuity, Leave Encashment, Family Pension and other admissible allowances including Family Pension with arrears and consequential service benefits.

3. The husband of the applicant Shri Rajesh Dhondu Sandhanshiv, since deceased, who was working on the establishment of the Nashik City Police and was due to retire on superannuation in the month of May, 2022. Smt. Ujwala, who was first wife of the deceased, passed away on 14.7.2005. After demise of the first wife, the said deceased got remarried to the applicant as per Hindu Marriage Ceremony on 25.11.2010. The said marriage of the applicant was registered with the Registrar of Marriages, Nashik declaring that the applicant's marriage took place with Shri Rajesh D. Sandhanshiv on 24.4.2007. Shri Rajesh D. Sandhanshiv has registered the name of the applicant as nominee in the service record after death of his first wife Smt. Ujwala. Shri Rajesh D. Sandhanshiv had affirmed a Registered Will in the name of the present applicant on 3.1.2017. In this registered Will he declared that the present applicant will be entitled for 100% terminal benefits and pensionary dues and LIC dues. It is further mentioned in the Will that both his sons will not get any part of the pensionary benefits of Shri Rajesh D. Sandhanshiv. Moreover, Shri Rajesh D. Sandhanshiv while working on the post of Assistant Sub Police Inspector passed away on 19.3.2021 due to COVID-19 Pandemic. Shri Rahul & Durgesh, sons of the deceased Shri Rajesh D. Sandhanshiv issue notice dated 28.9.2021 through Advocate to the Police Commissioner, Nashik City stating that pensionary benefits should not be paid to the applicant.

4. Per contra Ld. PO opposes the submissions raised by the Ld. Advocate for the applicant and relies on the affidavit in reply dated 31.3.2023 filed by Gangadhar Ravan Sonawane, Assistant Commissioner

of Police, Nashik City. Ld. PO pointed out that Rahul and Durgesh i.e. sons of late Shri Rajesh D. Sandhanshiv have raised objections to the nomination of the applicant as well as legal notice has been sent to the office of the Commissioner of Police through advocate on 28.9.2021. Ld. PO pointed out that as per Section 115 of the MCS (Pension) Rules, 1982 the applicant as well as two major sons of the deceased are also entitled to the terminal benefits of service after the demise of Shri Rajesh D. Sandhanshiv.

5. In this case it is seen that there is a registered Will filed by the applicant dated 3.1.2017. In the Will it is stated that the applicant will be entitled for full 100% terminal benefits and pensionary dues and LIC dues and it is further mentioned that both his sons will not get any part of the terminal or pensionary benefits of Shri Rajesh D. Shandanshiv. The service record shows that name of the applicant is mentioned as nominee in his service record. In view of the above, I pass the following order.

ORDER

The Original Application is allowed. The respondents are directed to pay the amount of GPF, Gratuity, Leave Encashment, Family Pension and other admissible allowance including Family Pension with all consequential service benefits to the applicant within a period of six weeks from today. No order as to costs.

Sd/-
(Medha Gadgil)
Member (A)
28.11.2023

Dictation taken by: S.G. Jawalkar.