IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5302 OF 2025

Surekha Yashwant Pilankar. ...Petitioner.

Versus

The State of Maharashtra and Others. ...Respondents.

Mr. Siddhesh Pilankar for the Petitioner.
Ms. Tejas J. Kapre, AGP for the Respondent-State.
Mr. Rugved R. Kinkar, Court appointed Advocate.

Coram : Milind N. Jadhav &
Nandesh S. Deshpande , JJ.

Date : July 2, 2026.

Judgment [Per Milind N. Jadhav, J.] :

1. Heard. Rule.

2. Rule made absolute forthwith.

3. Challenge in the present writ petition is to denial of family pension to the Petitioner, who is a 75 year old mother of deceased employee who was working as Junior Clerk in Respondent No.5-school at Ratnagiri. On 7th April 2020, Petitioner's son passed away due to illness while in service. He was bachelor at the time of his demise. He was governed by the old pension scheme in view of his date of appointment being 1st February 1995. Accordingly, proposal dated 22nd May 2023 for grant of family pension in favour of Petitioner being

Uploaded on - 13/07/2026 Downloaded on - 08/10/2026 10:24:37

dependent mother of deceased employee was forwarded by Respondent No.5-School to Respondent No.4-Education Officer. Pension proposal is dated 22nd May 2023, copy of which is appended at page no.11 to the petition. After almost one year, on 18th March 2024, the office of India Audit and Accounts through its Principal Accountant General by letter informed Respondent No.4-Education Officer that the family pension proposal of Petitioner stood rejected on the ground that Petitioner had 3 surviving daughters. Accordingly, the Petitioner was informed about rejection of her family pension proposal leading to the filing of present writ petition.

4. When this matter was mentioned before us on 15th June 2026 after hearing the respective Advocates the following order was passed:

> "1. Heard Mr. Pilankar, learned Advocate appearing for the Petitioner and Ms. Kapre, learned AGP for the Respondent-State.
>
> 2. Petitioner is the mother of demised Zilla Parishad employee who served the Zilla Parishad, Ratnagiri from 1995 to 2020. He expired on 7th April 2020. Pursuant to his demise, Petitioner made an application seeking family pension, however, the same has been denied to the Petitioner, who is mother of the demised employee. The demised son of the Petitioner was a bachelor and unmarried at the time of his demise.
>
> 3. At page No. 52 of petition, Mr. Pilankar has placed on record a communication received by the Petitioner from the Respondents, *inter alia*, informing the Petitioner that her case for eligibility of family pension has been rejected on the ground that Petitioner has 3 surviving daughters (I.e., sisters of the demised employee). However, the said communication does not give the reason and basis for passing such an order.
>
> 4. Ms. Kapre, learned AGP persuades the Court to allow her to take appropriate instructions and apprise the Court the reason for passing such order / communication and denying the pension to the Petitioner.
>
> 5. On reading the said communication, the Court is also perplexed and intrigued because the reasons are not mentioned therein.

Uploaded on - 13/07/2026 Downloaded on - 08/10/2026 10:24:37

6. Learned AGP appears on behalf of the Respondent No. 1, 2 and 4. Learned AGP shall take appropriate instructions and accordingly apprise the Court upon the adjourned date. If required, appropriate affidavit-in-reply shall be filed by learned AGP to enable the Court and the Petitioner to consider the stand of Government. If there is any rule or statutory provision which prohibits the grant of pension benefits to the mother of demised Zilla Parishad employee, who was unmarried at the time of his demise, the same shall be placed on record by learned AGP.

7. The antagonists in the present case are the Respondent No.3, I.e., the Chief Executive Officer of Zilla Parishad, Ratnagiri and the Respondent No.5, the School where the demised son of Petitioner was working. The CEO, Ratnagiri Zilla Parishad is directed to appear before this Court on-line on the next adjourned date. If any panel advocate is appointed by Zilla Parishad, Ratnagiri to represent and espouse the cause of ZP, Ratnagiri, that panel advocate shall be asked to appear before this Court.

8. Copy of this order shall be served on the CEO, Zilla Parishad, Ratnagiri by Advocate Mr. Pilankar. We are now informed that Advocate Mr. Dalvi practicing in this bar appears for the Zilla Parishad, Ratnagiri. If that be the case, learned AGP shall pass the word to Mr. Dalvi to appear in the matter."

5. Matter was posted for hearing to 23rd June 2026 and on that date further order was passed as under:

"1. Heard Mr. Pilankar, learned Advocate for the petitioner and Ms. Kapre, learned AGP for the State.

2. On 15th June 2026, the following order was passed.

…….

3. Zilla Parishad, Ratnagiri, has been served. The acknowledgment of service is placed before us. None is present when the matter is called out for ZP.

4. The issue is serious. We cannot await the presence of Zilla Parishad, Ratnagiri. If they so desire, they may come and attend the proceedings. A copy of this order shall be served afresh by the learned Advocate for the petitioner upon Zilla Parishad, Ratnagiri.

5. In the present petition, challenge is to the communication dated 18th March 2024, which is a rejection order denying family pension to the mother of the deceased employee of Zilla Parishad. Reliance is placed upon Rule 116(16)(b)(iv), Explanation I, of the Maharashtra Civil Services (Pension) Rules, 1982. We have perused the same. Though it is prima facie too long, we still do not subscribe to the same. However, we need an independent point of view and further research to be done. Though Ms. Kapre, learned AGP for the State, has gone through the same pursuant to our directions contained in the above order, it would be appropriate to

Uploaded on - 13/07/2026 Downloaded on - 08/10/2026 10:24:37

obtain a perspective with regard to the purposive interpretation of the aforesaid provision.

6. Hence, we deem it fit to appoint Mr. Rugwed Kinkar, learned Advocate practicing at the Kolhapur Bench and a Member of this Bar, through the Legal Aid Committee, to assist us in the matter. He shall be issued a letter of appointment by the Secretary of the Legal Aid Committee of this Court on the basis of this order. A copy of the proceedings in the present matter shall be made available forthwith and served upon Mr. Kinkar by Mr. Pilankar.

7. Mr. Kinkar, Mr. Pilankar, and Ms. Kapre are directed by this Court to undertake research and accordingly apprise the Court with regard to the applicability of notification dated 22nd January 2015 and the aforementioned statutory provision regarding entitlement of the petitioner for pension in accordance with law.

8. List the matter on 2nd July 2026, at 02:30 p.m. for final disposal."

6. We have heard Mr. Siddhesh Pilankar, learned Advocate for the Petitioner, Ms. Tejas Kapre, learned AGP for the Respondent-State and Mr. Rugved Kinkar, learned Advocate appointed by this Court through the Legal Aid Committee in order to assist the Court to decide and adjudicate the validity and legality of the claim of Petitioner. Submissions made by the learned Advocates have received due consideration of the Court.

7. Mr. Pilankar, learned Advocate for the Petitioner would persuade us to consider that Petitioner is admittedly the dependent mother of the deceased employee and Class-I heir to his property and credits and, therefore, entitled to family pension. He would submit that *dehors* the fact that the Petitioner has 3 daughters, proposal for grant of family pension in favour of Petitioner cannot be rejected on that sole ground, as such rejection does not stand to test in view of the statutory

Uploaded on - 13/07/2026 Downloaded on - 08/10/2026 10:24:37

provisions envisaged under various statutes, viz; the Family Pension Scheme, 1950, the Family Pension Scheme for Central Government Employees, 1964 and the Extraordinary Family Pension Scheme read with Rule 116 and 117 of the Maharashtra Civil Services (Pension) Rules 1982 [for short ***"Pension Rules, 1982"***] and Government Resolution dated 22nd January 2015.

8. In support of his aforesaid submissions, Mr. Pilankar has placed before us a decision of the Division Bench of this Court delivered at Aurangabad Bench in the case of ***Satyabhamabai Prabhunath Kale vs State of Maharashtra***[1] and would contend that there is absolutely no rationale or justification for excluding the dependent mother from the definition of "family" in the context of Family Pension Scheme, 1964 who would be otherwise entitled to receive family pension under the Family Pension Scheme, 1950 or the Extraordinary Family Pension Scheme, Appendix IV in the present facts of the case. He would submit that by disallowing pension to the dependent mother of deceased employee, it amounts to discrimination by denying her the statutory right to receive family pension, and denial of such right to dependent mother of the deceased government employee amounts to discrimination and infringement of her fundamental right to equality as enshrined under Article 14 of the Constitution of India. He would lay

1 WP No.6356 of 2014, dtd. 20-2-2018.

Uploaded on - 13/07/2026 Downloaded on - 08/10/2026 10:24:37

thrust upon the fact that Petitioner-mother of deceased employee was wholly dependent on his son, who was a bachelor at the time of his demise. He would rely on Government Resolutions adverted to hereinabove which include the parents of a deceased government servant in the definition of "family" as defined under the Family Pension Scheme, 1964 read with Rule 116 of Pension Rules, 1982. He would submit that Family Pension rules contain benevolent provisions framed with the object of providing financial assistance to the eligible dependent member of family of a deceased employee, who would otherwise suffer great hardship after demise of the sole earning member of the family. In the present case, he would vehemently argue that all 3 daughters of the Petitioner are married daughters and the Petitioner mother was wholly dependent on the deceased employee at the time of his demise who was a bachelor and the only earning member of the family. In that context, he would persuade the Court to consider the Petitioner's entitlement to family pension benefit being wholly dependent on the deceased government servant for support and no other member of the family would be vested with any prior right to receive family pension other than the mother, who is the surviving dependent family member after the deceased in the family. He would submit that the interpretation of the provisions of Explanation 1 to Rule 116(16)(b)(iv) of the Pension Rules has been incorrectly applied to the

Uploaded on - 13/07/2026 Downloaded on - 08/10/2026 10:24:37

present case and calls upon the Court to set aside the rejection order. He would therefore submit that the petition be allowed.

9. *Per contra* Ms. Kapre, learned AGP appearing on behalf of the Respondent-State would support the impugned decision and persuade us to consider the provisions of Rule 116 of the Pension Rules, 1982 and contend that Rule 116(16)(b)(iv) of the Pension Rules, 1982, as applicable prior to amendment, considered the definition of "family" in relation to a government servant to mean wife or husband of a government servant, a judicially separated wife or husband, and son who has not attained the age of 21 years and unmarried daughter who has not attained the age of 24 years including such son and daughter adopted legally before retirement. She would submit that "parents of deceased" were not included in the said definition. In that view of the matter, she would next persuade us to consider Explanation-I to Rule 116(16)(b)(iv) of the Pension Rules, 1982 which came into effect from 18th January 2016 and contend that by virtue of Explanation-I, the legislature has clarified that single government servant means a government servant who is the only surviving child of his parents and it is in this context that Petitioner's proposal stands rejected because the deceased employee has three surviving sisters and he was not the only surviving child. She would therefore persuade the Court to consider

Uploaded on - 13/07/2026 Downloaded on - 08/10/2026 10:24:37

that whenever there is a case of a single government servant under Rule 116(16)(b)(iv) of the Pension Rules, 1982, a dependent mother and father in that order of reference, having no independent means or source of economic sustenance can be considered, provided it is in the case of single government servant who is the only surviving child of his parents. She would therefore submit that in view of the Petitioner having 3 daughters (sisters of deceased) and applicability of the aforesaid provision, the family pension proposal of the Petitioner has been rightly rejected. Hence she prays to dismiss the writ petition.

10. Mr. Rugved Kinkar, learned Advocate appointed through the Legal Aid Committee to assist the Court has addressed the Court on the issue at hand and has submitted extensively researched written submissions. He has made the following submissions which are considered by the Court:-

11. He would submit that the subject matter of present writ petition essentially involve interpretation of the provisions of Pension Rules, 1982, more particularly Explanation-I to Rule 116(16)(b)(iv) of the said Rules. He would submit that prior to amendment, Rule 116(16)(b) read as under :

> "(b) "Family" in relation to a government servant means-
>
> (I) wife in the case of male government servant, or husband in the case of female government servant;

Uploaded on - 13/07/2026 Downloaded on - 08/10/2026 10:24:37

> (ii) a judicially separated wife or husband, such separation not being granted on the ground of adultery and the person surviving was not held guilty of committing adultery;
>
> (iii) son who has not attained the age of twenty one years and unmarried daughter who has not attained the age of twenty four years, including such son and daughter adopted legally before retirement"

12. He would submit that considering the discrimination being caused to the parents of a deceased government servant, the Government of Maharashtra issued Government Resolution dated 22nd January 2015. He would submit that the purpose of said Government Resolution was summarized in the "introduction" paragraph of the said GR which is self explanatory and reads as follows:

> "As per Maharashtra Civil Services (Pension) Rules, 1982, the parents of a Government servant, having no independent means of sustenance and are wholly dependent on him/her, are not entitled to any family pension in the event of his/her death either while in service or after his/her retirement. This is due to the fact that the definition of the term 'family' under the existing Pension Rules does not cover parents of a Government servant. **As a social security measure, therefore, the scope of the term, 'family', defined under the Pension Rules, has been enlarged restrictively, by amending it suitably to include into its ambit, only the wholly dependent parents of a 'single' Government servant**. The term, 'single' Government servant has also been defined and inserted in the Pension Rules accordingly. To give effect to the **intended security measure**, the Government is pleased to pass the following resolution."

13. He would submit that the main purpose of GR and consequent amendment to the definition of "family" in relation to a government servant was social welfare of wholly dependent parents of the government servant. The meaning of the term "single government

Uploaded on - 13/07/2026 Downloaded on - 08/10/2026 10:24:37

servant" and "Wholly Dependant Parents" has been explained in the said GR as follows:

> *"'**Single Government Servant** means a government servant, who is the only surviving child of his parents and is unmarried or if married, who has no surviving spouse and children."*
>
> ***"Wholly Dependant Parents** means parents who do not have any independent means/source of economic sustenance and are solely dependent on him/her for all their financial needs."*

14. He would submit that effect of the said Government Resolution was given vide Maharashtra Civil Services (Pension) Amendment Rules, 2016 dated 18th January 2016. He would submit that by virtue of said amendment, Rule 116 of the Pension Rules, 1982 was amended and following sub-clause (iv) and Explanation I was inserted after Sub-clause (16)(b)(iii) :

> "(I) ……
> (ii) ……
> (iii) ……
> (iv) Dependent mother and father, in the order of that preference, having no independent means or source of economic sustenance, in the case of 'single' government servant as declared by him in the Form-3A"
>
> *Explanation I* for the purpose of this clause, a 'single' government servant means, a government servant, who is the only surviving child of his parents and is unmarried, if married, has no surviving spouse and children"

15. He would submit that amended Rule 116(16)(b)(iv) of the Pension Rules, 1982 has to be read in consonance with the Government Resolution dated 22nd January 2015. He would argue that the term "dependent mother and father" as stated in the amended rule is *pari*

Uploaded on - 13/07/2026 Downloaded on - 08/10/2026 10:24:37

materia with the term “wholly dependent parents”. He would submit that the said term is neither contained/defined in the original unamended Rules nor in the amended Rules. He would rather argue that in order to find the genesis of the term “dependent mother and father”, one has to seek support of Government Resolution dated 22nd January 2015 and in order to interpret the term “dependent mother and father” correctly, the term has to be construed as provided in the said GR itself which means parents who do not have any independent means/source of economic sustenance and are solely dependent on the single government servant for all their financial needs and support. He would submit that such interpretation of rules is in consonance with the GR and is not mutually destructive. He would submit that the said meaning of the term 'family' as canvassed in the GR aids to the interpretation of term “dependent mother and father” as mentioned in the amended Rule. He would submit that thus the term “only surviving child” in consonance with the term ‘wholly dependent parents’ will have to be interpreted in the manner that ‘no other child being able to provide economic assistance to the parents and not in any other context. He would therefore argue that the benefits of family pension cannot be denied to the parents who were completely dependent on such child.

Uploaded on - 13/07/2026 Downloaded on - 08/10/2026 10:24:37

16. In support of his aforesaid submissions, Mr. Kinkar has placed reliance on the decision of this Court in the case of ***Vasantrao Shamrao Deshmukh v. State of Maharashtra***[2] and would submit that in the said case, in a similarly placed case, this Court has considered entitlement to benefit of family pension admissible to the mother of a deceased government servant, who had applied for said benefits. He has referred to the observations and findings made by this Court in paragraph 11, 12, 14 and 15 of the said decision which are directly relevant for deciding the present case.

17. Next he would submit that the present petition deserves to be allowed in view of the provisions of Section 8 of the Hindu Succession Act, 1956 and the Petitioner being a Class-I heir of the deceased employee and the reason given by the Respondent-authority about the Petitioner having 3 daughters, who would otherwise qualify as Class-II legal heirs of deceased, the proposal for grant of pension to the Petitioner-mother therefore cannot be denied.

18. We have heard the submissions made by the learned Advocates and their submissions have received due consideration of the Court.

2 2025 SCC OnLine Bom 2133.

Uploaded on - 13/07/2026 Downloaded on - 08/10/2026 10:24:37

19. At the outset, we find that the present petition can be disposed of on the basis of interpretation of Explanation-I to Rule 116(16)(b)(iv) of the Pension Rules, 1982 inserted pursuant to the amendment effected on 18th January 2016 read along with relevant other statutory provisions.

20. As enumerated in the submissions advanced by Mr. Kinkar, the rejection of proposal for grant of family pension in favour of Petitioner is solely on account of Explanation-I to Rule 116(16)(b)(iv) of the Pension Rules, 1982 wherein the requirement stated is that the government servant should be the only surviving child of his parents. In the present case, since the Petitioner mother has 3 daughters, the said Explanation-I to Rule 116(16)(b)(iv) is made applicable and therefore on that count family pension is denied to the Petitioner. *Prima facie* on reading the said Explanation-I to Rule 116(16)(b)(iv) of the Pension Rules, 1982 and the provisions of Maharashtra Civil Services (Pension) Amendment Rules 2016, we do not agree with the submissions advanced by the learned AGP and the sole reason given in the impugned communication for rejecting the proposal for grant of family pension to the Petitioner for more than one reason.

Uploaded on - 13/07/2026 Downloaded on - 08/10/2026 10:24:37

21. We are of the considered opinion that Rule 116 of the Pension Rules, 1982 has to be read in consonance with Government Resolution dated 22nd January 2015 wherein the term "dependent mother and father" as stated in the amended rule is reflected to be *pari materia* with the term "wholly dependent parents".

22. The decision in the case of ***Vasantrao Shamrao Deshmukh*** (supra) pressed by Mr. Kinkar, in paragraph 10 refers to the decision of the Supreme Court in the case of ***State of Punjab v. Kharak Singh Kang***[3] and the facts therein are directly relevant to the case in hand. We also agree with the same and conclude that *prima facie* it does not appeal to logic at all as to those who gave birth and trained the person (their own child) will have no right to be included in the definition of 'family' as dependent. We also agree with the fact that purpose of the rules relating to family pension is to provide means of sustenance to the dependent members of the family of a deceased employee and if at any stage, the aged parent who was wholly dependent for livelihood on the deceased employee, the provision of family pension is made to help such dependent.

3 (1998) 4 SLR 594.

Uploaded on - 13/07/2026 Downloaded on - 08/10/2026 10:24:37

23. The facts in the present case are such that the Petitioner who is 75 years old is / was admittedly wholly dependent on the deceased government employee and therefore she would be entitled to family pension as a dependent parent of the single government servant. The logic of Explanation-I to Rule 116(16)(b)(iv) of the Pension Rules, 1982 of having stated that the said government servant should be the only surviving child of his parents does not stand to test at all and is required to be read down in the aforesaid facts and circumstances and it cannot be applied in the context of the dependent parent having any other children, much less a case where the Petitioner's 3 daughters are all married. What is implied is that the term “only surviving child” is in consonance with the term “wholly dependent parents” and it will have to be understood as no other child who is able to provide economic assistance to the parents. In the present case, all 3 surviving married sisters cannot be assumed to provide sustenance to the Petitioner and with such interpretation, the Petitioner will be driven to penury as she was fully dependent upon the deceased employee. In that view of the matter, benefit of family pension cannot be denied to the dependent parents who were wholly dependent on their child at the time of demise of such child.

Uploaded on - 13/07/2026 Downloaded on - 08/10/2026 10:24:37

24. It is seen that if the aged parents were dependent on their deceased child for their livelihood, the provisions of family pension is made to help such parents and therefore they are entitled to receive family pension for their sustenance upon the demise of such child. This right to receive family pension by the dependent parents emanates from the right to life with dignity guaranteed by Article 21 of the Constitution of India which encompasses more than just the right to exist as it also includes a right to live a meaningful and fulfilling life. In that view of the matter, every executive action and legislative measure like a statutory rule governing the grant of pensionary benefits should meet the test of reasonableness as contemplated under Article 14 of the Constitution of India.

25. In view of our above observations, Explanation-I to Rule 116(16)(b)(iv) of the Pension Rules, 1982 will have to be construed as being a benevolent piece of legislation enacted for the purpose of grant of pensionary benefits to a dependent parent and the words "only surviving child" will have to be understood and interpreted in a manner which will not exclude a dependent parent despite the said parent having 4 other children. In the present case, considering that all 3 sisters of the deceased are married and admittedly Petitioner mother lived with her only son and was dependent on him, Petitioner cannot be deprived of the said statutory benefit.

Uploaded on - 13/07/2026 Downloaded on - 08/10/2026 10:24:37

26. We also refer to the decision of the Apex Court in the case of ***State of Karnataka v. Appa Balu Ingale***[4] wherein while dealing with the provisions of Sections 4 and 7 of the Protection of Civil Rights Act, 1955 the Supreme Court has held as under in order to adopt a purposive interpretation of Rule 116(16) in the context of the present case in hand before us. Paragraph No. 34 of the said decision throws light on the power of the judiciary and the social ethos while considering such situations and it reads as under:-

> "34. Judiciary acts as a bastion of the freedom and of the rights of the people. Jawaharlal Nehru, the architect of Modern India as early as in 1944 stated that the spirit of the age is in favour of equality though the practice denies it almost everywhere, yet the spirit of the age triumphs. The judge must be atune with the spirit of his/her times. Power of judicial review, a constituent power has, therefore, been conferred upon the judiciary which constitutes one of the most important and potent weapons to protect the citizens against violation of social, legal or constitutional rights. The judges are participants in the living stream of national life, steering the law between the dangers of rigidity on the one hand and formlessness on the other hand in the seemless web of life. The great tides and currents which engulf the rest of the men do not turn aside in their course and pass the judges idly by. Law should subserve social purpose. Judge must be a jurist endowed with the legislator's wisdom, historian's search for truth, prophet's vision, capacity to respond to the needs of the present, resilience to cope with the demands of the future and to decide objectively disengaging himself/herself from every personal influence or predilections. Therefore, the judges should adopt purposive interpretation of the dynamic concepts of the Constitution and the Act with its interpretative armoury to articulate the felt necessities of the time. The judge must also bear in mind that social legislation is not a document for fastidious dialects but a means of ordering the life of the people. To construe law one must enter into its

4 1995 Supp (4) SCC 469.

Uploaded on - 13/07/2026 Downloaded on - 08/10/2026 10:24:37

> spirit, its setting and history. Law should be capable of expanding freedoms of the people and the legal order can, weighed with utmost equal care, be made to provide the underpinning of the highly inequitable social order. The power of judicial review must, therefore, be exercised with insight into social values to supplement the changing social needs. The existing social inequalities or imbalances are to be removed and social order readjusted through rule of law, lest the force of violent cult gain ugly triumph. Judges are summoned to the duty of shaping the progress of the law to consolidate society and grant access to the Dalits and Tribes to public means or places dedicated to public use or places of amenities open to public etc. The law which is the resultant product is not found but made. Public policy of law, as determined by new conditions, would enable the courts to recast the changing conceptions of social values of yesteryears yielding place to the changed conditions and environment to the common good. The courts are to search for light from among the social elements of every kind that are the living forces behind the factors they deal with. By judicial review, the glorious contents and the trite realisation in the constitutional words of width must be made vocal and audible giving them continuity of life, expression and force when they might otherwise be forgotten or ignored in the heat of the moment or under sway of passions or emotions remain aroused, that the rational faculties get befogged and the people are addicted to take immediate for eternal, the transitory for the permanent and the ephemeral for the timeless. It is in such surging situation the presence and consciousness and the restraining external force by judicial review ensures stability and progress of the society. Judiciary does not forsake the ideals enshrined in the Constitution, but makes them meaningful and makes the people realise and enjoy the rights."

27. Next, in the case of ***Shailesh Dhairyawan v. Mohan Balkrishna Lulla***[5], the Supreme Court has explained the terms "purposive interpretation" which is relevant for interpreting amended Rule 116(16). Paragraph Nos. 31 to 33 are relevant and read thus :-

> "31. The aforesaid two reasons given by me, in addition to the reasons already indicated in the judgment of my learned Brother, would clearly demonstrate that the provisions of Section 15(2) of the Act require purposive interpretation so that the aforesaid objective/purpose of such a provision is achieved thereby. The principle of "purposive interpretation" or "purposive

5 (2016) 3 SCC 619.

Uploaded on - 13/07/2026 Downloaded on - 08/10/2026 10:24:37

construction" is based on the understanding that the court is supposed to attach that meaning to the provisions which serve the "purpose" behind such a provision. The basic approach is to ascertain what is it designed to accomplish? To put it otherwise, by interpretative process the court is supposed to realise the goal that the legal text is designed to realise. As Aharon Barak puts it:

> "Purposive interpretation is based on three components : language, purpose, and discretion. Language shapes the range of semantic possibilities within which the interpreter acts as a linguist. Once the interpreter defines the range, he or she chooses the legal meaning of the text from among the (express or implied) semantic possibilities. The semantic component thus sets the limits of interpretation by restricting the interpreter to a legal meaning that the text can bear in its (public or private) language."

32. Of the aforesaid three components, namely, language, purpose and discretion "of the court", insofar as purposive component is concerned, this is the ratio juris, the purpose at the core of the text. This purpose is the values, goals, interests, policies and aims that the text is designed to actualise. It is the function that the text is designed to fulfil.

33. We may also emphasise that the statutory interpretation of a provision is never static but is always dynamic. Though the literal rule of interpretation, till some time ago, was treated as the "golden rule", it is now the doctrine of purposive interpretation which is predominant, particularly in those cases where literal interpretation may not serve the purpose or may lead to absurdity. If it brings about an end which is at variance with the purpose of statute, that cannot be countenanced. Not only legal process thinkers such as Hart and Sacks rejected intentionalism as a grand strategy for statutory interpretation, and in its place they offered purposivism, this principle is now widely applied by the courts not only in this country but in many other legal systems as well."

28. Next, we also draw our attention to Rule 117 of of the Pension Rules, 1982 which govern payment of family pension under the Family Pension Scheme, 1950. Sub-Rule (6) of Rule 117 provides for entitlement of pension to the family members, which reads thus :

Uploaded on - 13/07/2026 Downloaded on - 08/10/2026 10:24:37

"(6)(a) Except as may be provided by nomination under sub-rule (7), the Family Pension sanctioned under this rule shall be payable—

(I) to the widow, and if there are more widows than one, to the eldest surviving widow, if the deceased was a male Government servant, or to the husband, if the deceased was a female Government servant;

Explanation.—The expression " eldest surviving widow " shall be construed with reference to the seniority according to the date of the marriages of the surviving widows and not with reference to their age

(ii) failing a widow or husband, as the case may be, to the eldest surviving son ;

(iii) failing (i) and (ii) above, to the eldest surviving unmarried daughter ;

(iv) failing (i), (ii) and (iii) above, to the eldest surviving widowed daughter.

(b) If there are no surviving members of the family as in clause (a), the family pension may be granted—

(i) to the father ;
(ii) failing (i) above, to the mother ;
(iii) failing (i) and (ii) above, to the eldest surviving brother below the age of eighteen years ;
(iv) failing (i), (ii) and (iii) above, to the eldest surviving unmarried sister ;
(v) failing the above, to the eldest surviving widowed sister."

29. Thus, it can be seen that above rule provides for entitlement of family members to the pension of a deceased government servant. Bare perusal of the said rule would make it clear that the object behind the said rule is to provide financial assistance to the family members of a deceased employee. We notice that apparently, no discrimination as provided under Explanation-I to Rule 116(16)(b)(iv) of the Pension Rules, 1982 exist in the said Rule 117. Moreover, Rule 117 is in consonance with the provisions of the statutory provisions of the Hindu Succession

Uploaded on - 13/07/2026 Downloaded on - 08/10/2026 10:24:37

Act, 1956.

30. Next, we draw our attention to Rule 50 of the Central Civil Service (Pension) Rules, 1972 which after amendment in the year 2021 provides for family pension under the said Rules. Sub-Rule (6) of Rule 50 of the Central Civil Service (Pension) Rules, 1972 provides for entitlement of family members to receive family pension whereas Sub-Rule (10) provides for entitlement of parents to receive family pension upon the demise of their child. Said Sub-Rule (6) and Sub-Rule (10) of Rule 50 of the Central Civil Service (Pension) Rules, 1972 read thus :

> "(6) The family pension shall be payable to the members of the family of the deceased Government servant or pensioner in the following order, namely:-
>
> (i) subject to provisions of sub- rule (8), widow or widower, (including a post-retiral spouse and judicially separated wife or husband),
>
> (ii) subject to provisions of sub-rule (9), children (including adopted children, step children and children born after retirement of the pensioner),
>
> (iii) subject to provisions of sub-rule (10), dependent parents (including adoptive parents) of the deceased Government servant or pensioner,
>
> (iv) subject to provisions of sub-rule (11), dependent siblings (i.e. brother or sister) of the deceased Government servant or pensioner, suffering from a mental or physical disability,
>
> Explanation.- For the purposes of this rule 'widow' and 'widower', shall mean a spouse, legally wedded to the deceased Government servant or the pensioner."

> "**(10)(a) Where a deceased Government servant or pensioner is not survived by a widow or widower or a child eligible for family pension or if the widow or widower and all children cease to be eligible for family pension, the family pension at the rate specified in subrule (2) shall be payable to the parents for life, if the parents were dependent on the**

Uploaded on - 13/07/2026 Downloaded on - 08/10/2026 10:24:37

> **Government servant or pensioner immediately before his or her death.**
>
> (b) The family pension, wherever admissible to parents will be payable to the mother of the deceased Government servant or pensioner failing which to the father of the deceased Government servant or pensioner. Explanation.- Parents shall be deemed to be dependent on the Government servant if their combined income is less than the minimum family pension under sub-rule (1) of this rule and the dearness relief admissible thereon.
>
> (c) It shall be the duty of parents to furnish a certificate to the Pension Disbursing Authority once in a year that they have not started earning their livelihood and the family pension payable to parents shall be stopped if they start earning their livelihood."
>
> **[Emphasis added.]**

31. Perusal of the aforementioned statutory provisions make it clear that parents who are / were wholly dependent on the deceased government servant are undoubtedly, without any hesitation entitled for the family pension benefit. In that context, we re-iterate and fully agree with the words of the Supreme Court reflected in the decision of ***Kharak Singh Kang*** (supra) which has noted that *"Next to God, thy parents, says the poet"*.

32. We reiterate the same while deciding the present case in the affirmative. We also draw attention to paragraph 13 of the decision in the case of ***Vasantrao Shamrao Deshmukh*** (supra) wherein the Accountant General had taken a somewhat similar view but in paragraph 14 thereof the Court while referring to the decisions in the case of ***Peoples Union of Civil Liberties v. Union of India***[6] and ***Chameli Singh v.***

6 AIR OnLine 2007 SC 1.

Uploaded on - 13/07/2026 Downloaded on - 08/10/2026 10:24:37

State of UP[7] has deciphered the definition of "dependent parents" to be entitled to family pension for their sustenance. We have noted that in paragraph 15 thereof, the executive action was questioned. The aforementioned 3 paragraphs clinch the issue in the present case. We cannot adopt any different view. We deem it necessary to reproduce paragraph Nos. 13 to 15 of the said decision which read thus:-

> "13. We find that in the light of the above, it was apparently beyond the knowledge of the Accountant General that in 2016, this Court had delivered the judgment in Vimalbai Supdu Patil (Supra) by which the Government Resolution was made applicable even to a case which was prior to the introduction of the Government Resolution. Had the Accountant General been aware of this fact, he would have dealt with the case of these Petitioners within the framework of the said view. Nevertheless, since the Government Resolution has been introduced with a purpose of giving a broader meaning to ensure that the very object of social security legislation is achieved by extending the benefits to the most deserving, that this Petition deserves to be accepted.
>
> 14. We sincerely believe that if dependent parents have to keep their 'mind, body and soul' together, law must ensure that they receive pension for sustenance. The right to life with dignity, guaranteed by Article 21, encompasses more than just the right to exist; it includes the right to live a meaningful and fulfilling life. This right extends to ensuring the basic necessities, protection from exploitation and the right to make personal decisions about one's life. This right ensures access to means of sustenance and a decent and dignified standard of living which includes access to food, shelter and other essential needs.
>
> 15. Every executive action and in particular a legislative measure like a statutory Rule governing the grant of pensionary benefits, should meet the test of reasonableness as contemplated under Article 14 of the Constitution of India. Does the exclusion of the dependent parents from the definition of family, appeal to logic or reason? Would it justify rendering the dependent parents to starvation? Though belatedly, the State Government realised the imminent need of

7 (1996) 2 SCC 549.

Uploaded on - 13/07/2026 Downloaded on - 08/10/2026 10:24:37

> including the parents in the definition of family in relation to a 'single' deceased son/daughter, albeit, making the said GR dated 22.01.2015, applicable prospectively. In our view, the effect of the GR should be made applicable, at least to the dependent parent/s who is/are surviving as on the date of the said GR, notwithstanding, that the death of the 'single' son/daughter may have occurred prior to the date of the GR."

33. For all the aforesaid observations, findings and reasons and in view of the citations referred to above, we are fully convinced that this a fit case for grant of family pension to the Petitioner mother and the the proposal for grant of family pension in favour of the Petitioner deserves to be allowed. We quash and set aside the impugned communication dated 18.03.2024 addressed by the Principal Accountant General and any consequential action or rejection made thereunder by the Respondent No. 4 - Education Officer. We direct the competent authorities, namely, Respondent Nos.2, 4 and any other Respondent who would be required to grant approval to the family pension proposal dated 22.05.2023 of Petitioner within a period of 2 weeks from the date of receipt of a server copy of this order.

34. The petition stands allowed and the impugned communication dated 18th March 2024 and all actions initiated thereunder stand quashed and set aside.

Uploaded on - 13/07/2026 Downloaded on - 08/10/2026 10:24:37

35. Needless to state that any arrears of family pension as due and payable to the Petitioner will be paid to her along with simple interest at the rate of 6% per annum from the date of its entitlement within a period of 4 weeks from the date of grant of family pension proposal. The Respondent No. 2 shall issue the order of allowing the family pension proposal within a period of two weeks from the date of receipt of a server copy of this order. The Education Officer shall ensure that the Petitioner receives the arrears of pension due to her alongwith interest as directed herein above within two weeks thereafter. Considering the time lapse and exigency stated by Mr. Pilankar, we direct the Respondent No. 2 - Principal Accountant General and Respondent No. 4 - Education Officer to ensure compliance of this order without delay, failing which both the said officers shall be proceeded with contempt proceedings for non-compliance. No delay will be tolerated by the Court, neither any extension will be allowed to the Respondents due to the ignominy of the Petitioner.

36. We also appreciate the able assistance rendered to the Court by Mr. Kinkar, learned Advocate appointed through the Legal Aid Services to assist the Court who in our opinion has provided us with substantial research and citations to decide this case in accordance with law. We direct the Secretary, Legal Aid Service of this Court to release the professional fees of Mr. Kinkar on application within two weeks on the

Uploaded on - 13/07/2026 Downloaded on - 08/10/2026 10:24:37

basis of a server copy of this order.

37. Petition is allowed and disposed of in the above terms.

[Nandesh S. Deshpande J.] **[Milind N. Jadhav, J.]**

RAVINDRA MOHAN AMBERKAR
Digitally signed by RAVINDRA MOHAN AMBERKAR
Date: 2026.07.13 18:02:46 +0530

Uploaded on - 13/07/2026 Downloaded on - 08/10/2026 10:24:37