

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

MCA NO. 334 OF 2015 IN WRIT PETITION NO. 4291 OF 2014

(Wamanrao r/o Raghobaji Ganar vs. Collector, Wardha Region, Wardha & Anr.)

Office Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's orders

**CORAM : B.P. DHARMADHIKARI &
Z.A. HAQ, JJ.
SEPTEMBER 07, 2015.**

As Shri Khamborkar, learned counsel for the applicant/ petitioner has agreed to argue writ petition for admission, we have recalled the order dated 17.12.2014 and restored Writ Petition No. 4291 of 2014 to file.

WRIT PETITION NO. 4291 OF 2014

Heard Shri Khamborkar, learned counsel for the applicant and Shri Deshpande, learned AGP for the respondents.

The petitioner claims to be a Freedom Fighter in Goa Liberation Movement and seeks pension accordingly by quashing and setting aside the order dated 15.11.1999.

Writ Petition has been filed on 02.07.2014. Along with writ petition, a true copy of certificate dated 06.03.1989 issued by Goa Vimochan Sahayak Samiti is produced as Annexure 2. It mentions name of signatory as J.S. Tilak, Secretary of said Committee, however, above his name, the words sd/- has been printed. The

certificate is under the signature of the learned counsel for the petitioner, who has certified it to be true copy. On what basis it has been certified as true copy is not clear because its original is alleged to be lost in 2010.

The learned counsel for the petitioner, during arguments, states that the petitioner participated in Goa Liberation Movement and had supplied necessary originals which were later on misplaced. The proposal has been rejected on 15.11.1999 and that order is not produced on record. The petitioner has relied upon the above copy of certificate dated 06.03.1989 purported to be issued by Shri Tilak and one more certificate dated 12.03.1995 issued by one R.L. Reddi, Freedom Fighter 119, Nagpur. He has certified that the petitioner was Freedom Fighter in the group of which he was the leader and he took part in Goa Liberation Movement launched by Goa Vimochan Samiti, on 15.08.1955. One more print out purportedly bearing signature of Bhai Bhagwantrao Gaikwad, without any seal and certified by the learned counsel is produced on record. Shri Gaikwad has certified that on the basis of information given by the petitioner and an affidavit given by him, he (Gaikwad) was satisfied that the petitioner participated in Freedom movement and was sent for that purpose. Thus, this certificate does not advance the cause of the petitioner at all.

In the memo of writ petition, the petitioner has disclosed himself to be 82 years old while Shri Gaikwad has found him 53 years old on 01.10.1988.

The petitioner claims that he joined that movement after 3 years of service with Nagpur Corporation.

The petitioner states that after loss of originals, he has complained to police. For that purpose our attention has been invited to the representation which he has submitted on 25.01.2014. There, he has mentioned that when he left Nagpur to go to Wardha, with originals, the original documents with Bank Passbook and other materials were lost.

The learned counsel for the petitioner, to assist the Court, has produced photocopy of complaint. The said photocopy shows that the Wardha Police Station, Wardha, has taken an entry of complaint on 27.11.2013 at 1720 hrs. For the purpose of records, we have retained this photocopy as Exh. "X". Thus, the police complaint has been lodged almost after three years of alleged loss of documents in 2010. If two pass books of Nationalized Bank were lost, one fails to understand how police complaint came to be filed after more than three years.

The State Government has filed its reply and in that reply, they have annexed a communication dated 06.11.2009, sent by the petitioner to the office of the Collector, Wardha. There, he has mentioned that because of accident, he is unable to undertake journey, however, after getting well, he will produce original certificates given by Shri Gaikwad and by Goa Vimochan Sahayak Samiti.

We have also attempted to find out the role played by the petitioner during Goa movement. The

petitioner has not described that role anywhere.

In the circumstances, as claim has already been rejected on 15.11.1999, we find no case made out warranting interference in this writ petition. Writ Petition is accordingly rejected. However, there shall be no order as to costs.

JUDGE

JUDGE

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