

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 7462 OF 2015

KRISANRAO TUKARAM CHAUDHARI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. R. D. Bhalerao.
AGP for Respondent Nos.1 & 3 : Mr. A. P. Basarkar.
Advocate for Respondent No.2 : Mr. Bhushan B. Kulkarni.

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CORAM : S. V. GANGAPURWALA &
A. M. BADAR, JJ.

DATE : 9th FEBRUARY, 2016.

PER COURT:

1] Mr. Bhalearao, learned counsel submits that initially the claim of the petitioner seeking Freedom Fighters Pension was rejected. The petitioner challenged the said order in W.P. No. 3200 of 2007. This Court vide order dated 9.10.2007 in the said writ petition, had granted liberty to the petitioner to re-submit the proposal on the basis of evidence collected recently. The petitioner had subsequently filed affidavits of 3 persons who had undergone imprisonment. Same is also not considered by the authorities in proper perspective. Mr. Bhalerao further submits that even the Zilla Gaurav Samit had recommended the claim of the petitioner for Freedom Fighters Pension. According to the learned counsel, without application of mind.

2] Mr Kulkarni, learned counsel for the Committee submits that the affidavits filed in respect of the persons do not satisfy the criteria laid down by Government Resolution of the year 1995. The affidavits should be of persons who had undergone imprisonment for two years or more. In the present case, the affidavits filed are of the persons who had undergone imprisonment for 4 and 7 months.

3] We have considered the submissions. This Court vide order dated 9.10.2007 had observed that no fault can be found with the order impugned in the said writ petition bearing No. 3200 of 2006, however, if the petitioner is in possession of any additional documents, he can re-submit the proposal. The additional documents are only in the shape of affidavits of the freedom fighters who had undergone imprisonment of 4 months and 7 months, which do not fulfill the criteria laid down by the Government Resolution of 1995.

4] In the light of that, there is no substance in the petition. Writ petition is dismissed. No costs.

[A.M. BADAR]
JUDGE

[S.V. GANGAPURWALA]
JUDGE

grt/-