

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

9 WRIT PETITION NO. 5892 OF 2013

TRIMBAK LAHANU SHIRSATH
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. Shelke Manoj U.
AGP for Respondents State: Mr. B. V. Virdhe
Advocate for Respondents : Mr. Bhushan B. Kulkarni

**CORAM : S. V. GANGAPURWALA &
K. L. WADANE, JJ.**

DATE : 23rd August, 2016

ORDER:

1. Application of the petitioner for grant of Freedom Fighter pension has been rejected.

2. Mr. Shelke, the learned counsel for the petitioner, submits that the petitioner had participated in Hyderabad Liberation Movement as an Underground Freedom Fighter. The petitioner had applied on 5th May, 2006 for grant of Freedom Fighter Pension. However, the application is rejected. The petitioner had filed affidavits of two Freedom Fighters who had suffered imprisonment for two years and more. Even the District Gaurav Samiti recommended the name of the petitioner. Respondent No.3, by a cryptic order, had rejected the same. No reasons are recorded for not accepting the affidavits of two freedom fighters who

had suffered imprisonment for two years and more. The learned counsel submits that there were other evidence on record. It is further submitted that during the pendency of the writ petition, the petitioner could lay his hand on the record to show that even warrant was issued against the petitioner during the liberation movement. Copy of the same is placed on record alongwith its translation.

3. Mr. Kulkarni, learned counsel for respondent No.2 submits that the conditions as laid down in the Government Resolution of the year 1995 have to be satisfied. Each and every ingredient of the said Resolution has to be satisfied. Merely submitting affidavits of two freedom fighters would not meet the requirement of the said Government Resolution. The documents filed in the present writ petition are also not proved. The translation of the said document is also not provided. The same certainly cannot be considered for according any benefit to the petitioner.

4. We have heard the learned AGP also.

5. As some *Urdu* document with regard to issuance of warrant is filed for the first time in the present petition, we had asked the learned AGP to verify from

the office which had issued the certified copy of the said warrant, as to whether its office has issued the same. Learned AGP, on instructions, states that the said document has been issued from the office of Tahsildar, Bhokardan. The certified copy of said document issued by Tahsildar and its translation will have to be considered by the Committee. Genuineness of the said document and its translation will have to be considered by the Committee and thereafter, the committee will have to arrive at a conclusion.

6. In the light of above, the impugned order is quashed and set aside.

7. The matter is remitted before Respondent No.2 Freedom Fighters High Power Committee. The petitioner may file additional documents with the Committee. The learned counsel for the petitioner states that certified copy is already filed with respondent No.2 Committee subsequent to the decision. In case, the same is filed, respondent No.2 Committee shall consider the said documents alongwith all other evidence, on its own merits.

8. In case the said document is not in the file of respondent No.2 Committee, the petitioner may file

copy of the same with respondent No.2.

9. Considering the age of the petitioner, the respondents shall decide the application of the petitioner afresh, expeditiously, preferably within a period of four months from today.

10. Writ petition is accordingly disposed of. No costs.

(K. L. WADANE, J.)

(S. V. GANGAPURWALA, J.)

JPC