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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.7988/2014

Shantabai Ramdas Koshti.

...Petitioner..

Versus

The Union of India & others.

...Respondents...

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WRIT PETITION NO.6890/2015

Smt.Pramilabai Vitthal Nehate.

...Petitioner..

Versus

The Union of India & others.

...Respondents...

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Shri M.M. Bhokarikar, Advocate for petitioners.

Shri S.B. Deshpande, Assistant Solicitor General for
respondent no.1.

Shri S.S. Dande, AGP for respondent nos.2 & 3.

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**CORAM: R.M. BORDE &
K.L. WADANE, JJ.**

DATE: 29.06.2016

ORDER :

1] The petitioners are claiming pension as per the
scheme applicable by the Central Government for freedom
fighters, who participated in the movement for freedom

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prior to independence. The petitioners claim that they suffered punishment of jail for two months and further were inflicted 10 strokes of canning. The petitioners claim that their cases are identical with Mansaram Yadav Rane, who has been extended freedom fighter's pension under the scheme formulated by the Central Government.

2] The criteria for being eligible for grant of pension under the Central Government is jail suffering for a period not less than six months and certain specifications are made under the scheme in respect of various categories of freedom struggle. The petitioners claim that they have participated in Jungle Satyagraha during the relevant period. According to the respondent no.1 - Union of India, Jungle Satyagraha is not the form recognized by the Central Government for eligibility to receive freedom fighter's pension.

3] So far as the case of Mansaram Yadav Rane is concerned, it is informed that apart from receiving 12 strokes of canning, he has suffered imprisonment for a period of six months from 20.2.1943 to 28.8.1943 in Case No.36/1943. The case of Mansaram Yadav Rane has been dealt with on a different footing by the Central

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Government and no parity can be claimed in respect of the cases of the petitioners. Since the petitioners are not eligible under the scheme formulated by the Central Government, no relief can be granted as claimed by the petitioners.

4] The petitioners have placed reliance on the judgments in following matters -

1] *Mukund Lal Bhandari & others v. Union of India & others* (AIR 1993 SC 2127)

2] *Gurdial Singh v. Union of India & others.* (AIR 2001 SC 3883)

3] *State of T.N. & another v. A. Manickam Pillai* (AIR 2010 SC 670)

4] *Kamalbai Sinkar v. State of Maharashtra & others* (AIR 2012 SC 2960)

and urges that liberal view ought to be taken by the Courts while dealing with the claims of freedom fighters. The eligibility under the scheme formulated by the State or the Central Government is the determining factor and if the petitioners fail to demonstrate their eligibility under the scheme, no relief can be granted. Even otherwise, the petitioners are getting pension from the State Government since they fulfill the criteria prescribed by the State Government. The petitioners do

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not fulfill the criteria prescribed by the Central Government for being eligible for grant of a separate pension on behalf of the Central Government. As such their claims cannot be considered favourably. The writ petitions are devoid of substance and hence the same stand rejected.

(K.L. WADANE, J.)

(R.M. BORDE, J.)