

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

2 WRIT PETITION NO. 9012 OF 2013

BHAGWANRAO KALYANRAO PANCHAL
VERSUS
THE STATE OF MAHARASHTRA AND ORS

Advocate for Petitioner : Mr. Pawar Suryakant S.
AGP for Respondents 1, 2,4 & 5 State: Mrs. S. S. Raut
Advocate for Respondent No.3 : Mr. B. B. Kulkarni

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

DATE : 1st December, 2016

ORDER:

1. Mr. Pawar, the learned counsel for the petitioner submits that the claim of the petitioner for grant of Freedom Fighter Pension has been negatived on erroneous ground. The petitioner has filed affidavit of two Freedom Fighters who have undergone imprisonment of two years or more. Certificates are filed on record. Even order convicting them are on record. However, the same are not considered. According to the learned counsel, even warrant of arrest issued to the present petitioner is filed on record, however, the original record now is destroyed by the Court, for which the petitioner cannot be faulted.

2. Mr. Kulkarni, the learned counsel for respondent No.3 submits that the documents which are

annexed to the present writ petition were not filed before the High Power Committee. According to the learned counsel, the warrant relied upon by the petitioner is a xerox copy, the same could not have verified as the record is destroyed. No illegality has been committed.

3. Learned AGP also submits that the claim made by the petitioner is not substantiated by documents and as such the claim is rightly rejected.

4. We have considered the submissions.

5. It appears that after the writ petition is filed, the petitioner has laid hands on the documents such as affidavits of two Freedom Fighters and the documents showing that they have undergone imprisonment during the freedom struggle. These documents were not produced before the Committee for being considered and to arrive at conclusion.

6. Considering that it is a claim for Freedom Fighter Pension and the petitioner could lay hands on the documents subsequently, we are inclined to grant one more opportunity to the petitioner. In the light of that, the impugned order is quashed and set aside.

7. The petitioner may file documents which are filed in the present petition before the High Power Committee. On receipt of the documents, the Committee shall decide the claim of the petitioner for grant of Freedom Fighter Pension, afresh, on its own merits and as per relevant Government resolution, expeditiously, preferably within six months from the date of receipt of the documents.

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

(K. L. WADANE, J.)

(S. V. GANGAPURWALA, J.)

JPC