

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.1663 OF 2012

Vishwanath Vitthalrao Gavandi (Kalburge)
(deceased)
through Its legal heirs
Archana W/o Vishwanath Gavandi (Kalburge)

Petitioner

Versus

The State of Maharashtra and others

Respondents

Mr.S.S. Pawar advocate for the petitioner
Mr.B.V. Virdhe, AGP for Respondent No.1, 2
Mr. B.B. Kulkarni advocate for respondent No.3

CORAM : R.M. BORDE &
A. I. S. CHEEMA, JJ.

Date : 4th JANUARY, 2016.

PER COURT :-

1 The widow of the deceased freedom fighter has presented this petition, taking exception to the order passed by the State Government on 2.8.2002, refusing to consider the claim of the deceased freedom fighter for grant of freedom fighters' pension.

2 An affidavit in reply has been presented on behalf of the State Government, wherein it has been stated that the husband of the petitioner has not fulfilled criteria No.I, III, IV and V incorporated in the Government Resolution dated 4.7.1995. It is pointed out that initially the District Gaurav Committee did not

consider the case of the petitioner and forwarded the proposal with a negative recommendation to the State Government. The State Government directed the District Collector, Latur on 24.10.2000 to re-examine the proposal as per the Govt. resolution dated 4.7.1995 and submit the remarks to the State Government. The Collector, Latur re-examined the proposal, however, did not recommend for grant of freedom fighter's pension to the deceased freedom fighter, on account of non-fulfillment of the conditions prescribed under the Govt. resolution dated 4.7.1995. The State Government, relying upon the report of the Collector, rejected the claim of the deceased husband of the petitioner.

3 On perusal of the record, it appears that, the deceased freedom fighter was accompanying his father during freedom movement and there is neither independent participation of the deceased husband of the petitioner, nor he fulfills the requisite criteria laid down in the Govt. resolution dated 4.7.1995. The decision rendered by the State Government cannot be faulted. The writ petition is devoid of substance and hence stands rejected.

(A. I. S. CHEEMA, J)

(R.M.BORDE, J)