

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE, BENCH AT AURANGABAD

WRIT PETITION NO.4392 OF 2015**Hirakanbai W/o Ganpatrao Attargekar Vs. The State of
Maharashtra and others.**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders
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Mr.R.B.Deshmukh, advocate for the petitioner.

Mr.V.H.Dighe, A.G.P. for the State.

Mr.B.B.Kulkarni, advocate for Respondent Nos.2 and 3.

**CORAM : S.V.GANGAPURWALA AND
N.W.SAMBRE, JJ.****Date : 15.09.2016.****PER COURT :**

1. Heard.

2. The petitioner seeks freedom fighters pension on the ground that the husband of the petitioner had participated in the freedom struggle i.e. Hyderabad Liberation Movement. The learned counsel for the petitioner submits that District Gaurav Samiti rejected the claim of the freedom fighters pension of the petitioner's husband only on the ground that the surname of the husband of the petitioner is not mentioned in the jail certificate. According to the learned counsel, the name and the father's name of the husband of the petitioner is mentioned in the jail certificate and it was not a

common practice at the relevant time to mention the surname. On this sole ground the claim is rejected. The same is illegal. The District Gaurav Samiti ought to have forwarded the claim to the High Power Committee.

3. Mr.Kulkarni, learned counsel for the Respondent Nos.2 and 3 submits that the Government Resolution is issued on 2.6.2016 to the effect that even if the freedom fighters pension is granted, the same would be applicable from the date of the order and policy decision has been taken not to award freedom fighters pension to the legal representatives of the deceased freedom fighter. The learned counsel submits that even on merits, the case of the petitioner's husband has been rightly rejected. The jail certificate is of the year 1946 and the Hyderabad Liberation Movement was for the period 1947-48.

4. We have considered the submissions. The District Gaurav Samiti has also considered the merits that petitioner's husband was imprisoned in the year 1946 and the Movement is of the subsequent period, so also considering the policy decision taken by the Respondents that the freedom fighters pension is not to be awarded to the legal heirs after the death and the same will apply from the date of order, nothing survives in the present Writ Petition.

5. The Writ Petition is disposed of. No costs.

(N . W . SAMBRE , J .)

(S . V . GANGAPURWALA , J .)

Dt.15.09.2016.
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