

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

BENCH AT AURANGABAD.

WRIT PETITION NO.711 OF 2018

Abasaheb Girirao Shinde
and others. ... Petitioners.

Versus

The State of Maharashtra
and others. ... Respondents.

...

Mr.C.V.Thombre, advocate for the petitioners.
Mr.S.B.Pulkundwar, A.G.P. for the State.

...

**CORAM : S.V.GANGAPURWALA AND
A.M. DHAVAL, JJ.**

Date : 12.02.2018.

PER COURT :

1. The petitioners seek directions against the Respondents to give monthly pension of Rs.3,000/- (Rupees three thousand) p.m. as per order passed by the Apex Court dated 25.11.2013 in SLP Nos.37835-37847 of 2012.

2. Mr.Thombre, learned counsel submits that the petitioners are age old persons, it would cause great hardship to them if recovery is claimed and pension is stopped. According to learned counsel, the Apex Court in case of similarly situated Freedom Fighters has taken liberal view and has given pension of Rs.3,000/- (Rupees three thousand) p.m.

3. Learned A.G.P. submits that these petitioners had obtained Freedom Fighters pension by submitting forged documents. The benefit of Freedom Fighters pension was withdrawn in the year 2007 itself.

4. The petitioners have approached this Court for the first time in the year 2017. In fact, in the year 2007, the benefit of Freedom Fighters pension to the petitioners is withdrawn on the basis of report of Justice Palkar Commission and GR dated 21.3.2007.

5. It has transpired that the documents on the basis of which the petitioners were given

Freedom Fighters pension were forged documents.

6. The Apex Court in Civil Appeal Nos.10237-38 of 2016 with connected SLPs. under order dated October 21, 2016 had directed the Government not to withdraw the benefit and had quantified the pensionary benefits from the date of cancellation of pension till date at Rs.3,000/- p.m.

7. The Apex Court while passing the order in the aforesaid Special Leave Petitions observed that said order would not be a precedent and is limited to the SLPs. before it. As the Freedom Fighters pension is obtained by the petitioners by fraud, it would not be possible for us to accede to the prayer made by the petitioners of directing Respondents to grant pension of Rs.3,000/- (Rupees three thousand) p.m. from the date of cancellation of pensionary benefits along with arrears of pension.

8. In light of that, the Writ Petition is

dismissed. No costs.

(A.M.DHAVAL, J.)

(S.V.GANGAPURWALA, J.)

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