

(1)

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

**CONTEMPT PETITION NO.571 OF 2016
IN
WRIT PETITION NO.3086 OF 2013
WITH
CIVIL APPLICATION NO.11763 OF 2018**

Purbhaji s/o Ramji Tule,
Age: 92 years, Occu: Nil,
R/o. At post Sawargaon (Mal),
Tq. Hadgaon, Dist. Nanded

..PETITIONER

VERSUS

1. Shri. Goyal,
Secretary, Freedom Fighter Section,
Mantralaya, Mumbai-32
2. Shri. Nagare,
Section Officer/Desk Officer,
General Administrative Department,
Freedom Fighter Section,
19th Floor, Opp. Mantralaya,
Mumbai-32

3. Shri. Kakani,
Collector,
Collector Officer, Nanded

..RESPONDENTS

Mr V. S. Panpatte, Advocate for petitioner/applicant;
Mr B. B. Kulkarni, Advocate for respondent Nos.1 & 2

**WITH
CIVIL APPLICATION NO.9582 OF 2018
IN
CONTEMPT PETITION NO.571 OF 2016
IN
WRIT PETITION NO.3086 OF 2013**

The State of Maharashtra & ors.

..APPLICANTS

VERSUS

(2)

Purbhaji s/o Ramji Tule

..RESPONDENT

Mr G. O. Wattamwar, A.G.P. for applicants;
Mr V. S. Panpatte, Advocate for respondent

**WITH
CONTEMPT PETITION NO.575 OF 2016
IN
WRIT PETITION NO.3087 OF 2013
WITH
CIVIL APPLICATION NO.11756 OF 2018**

Smt. Rajabai w/o Pandoji Kshirsagar,
Age: 93 years, Occu: Nil,
R/o. At post Sawargaon (Mal),
Tq. Hadgaon, Dist. Nanded

..PETITIONER

VERSUS

1. Shri. Goyal,
Secretary, Freedom Fighter Section,
Mantralaya, Mumbai-32
2. Shri. Nagare,
Section Officer/Desk Officer,
General Administrative Department,
Freedom Fighter Section,
19th Floor, Opp. Mantralaya,
Mumbai-32
3. Shri. Kakani,
Collector,
Collector Officer, Nanded

..RESPONDENTS

Mr V. S. Panpatte, Advocate for petitioner/applicant;
Mr B. B. Kulkarni, Advocate for respondent Nos.1 & 2

**WITH
CIVIL APPLICATION NO.9583 OF 2018
IN
CONTEMPT PETITION NO.575 OF 2016
IN
WRIT PETITION NO.3087 OF 2013**

(3)

The State of Maharashtra & ors.

..APPLICANTS

VERSUS

Rajabai Pandoji Kshirsagar

..RESPONDENT

Mr G. O. Wattamwar, A.G.P. for applicants;
Mr V. S. Panpatte, Advocate for respondent

**WITH
CONTEMPT PETITION NO.265 OF 2018
IN
WRIT PETITION NO.3140 OF 2013**

Khandasingh s/o Sujansingh Kamthekar,
Through it's L.Rs.
Smt. Krashnabai Wd/o Khandasingh Kamthekar,
Age: 94 years, Occu: Nil,
R/o. Khalsa Colony, Block No.7,
Gawalipura, Near Railway Station,
Nanded, Tq. & Dist. Nanded

..PETITIONER

VERSUS

1. Shri. Goyal,
The Principal Secretary,
General Administration Department,
(Freedom Fighter Section),
Mantralaya, Mumbai-32
2. Shri. Nagare,
Section Officer/Desk Officer,
General Administrative Department,
Freedom Fighter Section,
19th Floor, Opp. Mantralaya,
Mumbai-32
3. Shri. Suresh Kakani,
The Collector,
Collector Officer, Nanded

..RESPONDENTS

Mr V. S. Panpatte, Advocate for petitioner
Mr B. B. Kulkarni, Advocate for respondent Nos.1 & 2

(4)

**WITH
CONTEMPT PETITION NO.576 OF 2016
IN
WRIT PETITION NO.3212 OF 2013
WITH
CIVIL APPLICATION NO.11760 OF 2018**

Gangadhar s/o Tukarampant Deshmukh
Age: 86 years, Occu: Nil,
R/o. At post Sawargaon (Mal),
Tq. Hadgaon, Dist. Nanded

..PETITIONER

VERSUS

1. Shri. Goyal,
Secretary, Freedom Fighter Section,
Mantralaya, Mumbai-32
2. Shri. Nagare,
Section Officer/Desk Officer,
General Administrative Department,
Freedom Fighter Section,
19th Floor, Opp. Mantralaya,
Mumbai-32
3. Shri. Kakani,
Collector,
Collector Officer, Nanded

..RESPONDENTS

Mr V. S. Panpatte, Advocate for petitioner/applicant;
Mr B. B. Kulkarni, Advocate for respondent Nos.1 & 2

**WITH
CIVIL APPLICATION NO.9584 OF 2018
IN
CONTEMPT PETITION NO.576 OF 2016
IN
WRIT PETITION NO.3212 OF 2013**

The State of Maharashtra & ors.

..APPLICANTS

VERSUS

Gangadhar Tukarampant Deshmukh

..RESPONDENT

Mr G. O. Wattamwar, A.G.P. for applicants;
Mr V. S. Panpatte, Advocate for respondent

**CORAM : PRASANNA B. VARALE
AND
MANISH PITALE, JJ.**

DATE : 26th September, 2018

ORAL ORDER:

Contempt Petition Nos.571 of 2016 (Mr P.R. Tule), 575 of 2016 (Mr R.P. Kshirsagar), 576 of 2016 (Mr G.T. Deshmukh) and 265 of 2016 (Smt. K.K. Kamthekar) were filed in this Court with a grievance of non compliance of the order of this Court.

2. The petitioners were before this Court with the submission that they have participated in the freedom movement. In view of the policy of the State Government, the applications were submitted by them for seeking freedom fighters' pension. The District Honour Committee as well as the High Power Committee recommended the claims of the petitioners and in spite of the recommendations, on erroneous grounds their claims were rejected.

3. The Division Bench of this Court while considering the claim of the petitioners found that there is voluminous material to show the participation of these persons - freedom fighters in the freedom movement and as such the rejection of their claim is not sustainable. Resultantly, the orders impugned in the writ petitions were quashed and set aside. Rule was made absolute in terms of prayer clause (C) of the petitions.

4. The grievance of the petitioners was, in spite of the orders passed by the Division Bench of this Court, the State Government failed to disburse the amount of pension to which the petitioners were entitled to.

5. Perusal of the material on record shows that feeling aggrieved by the orders of the Division Bench, the State Government filed Special Leave Petition before the Honourable the Apex Court and the orders of this Court were modified. A copy of the order of the Honourable the Apex Court, dated 16th May, 2018 is also placed on record. The Honourable the Apex Court was pleased to observe that though it was not inclined to interfere in the order, the petitioners would be entitled to receive the amount of pension from the date(s) of filing of the writ petition (s) before the High Court, namely, 25th February, 2013, 2nd April, 2013, 30th March, 2013, 24th April, 2013 and 23rd September, 2013 respectively. It was further observed that the Honourable the Apex Court that the amount due will be paid to the person (s) entitled forthwith.

6. During the pendency of the contempt petition (s), the State Government deposited certain amount against the claim of these petitioners, namely, Mr Tule, Mr Kshirsagar and Mr Deshmukh. A consolidated amount was deposited in this Court by the State Government. The State Government deposited amount of Rs.11,27,391/-, Rs.11,86,709/- and Rs.11,86,692/- against these petitioners' claim in this Court. Thus, the total

amount deposited by the State Government in this Court is Rs.35,00,792/-. The State Government also filed Civil Application (s) in the contempt petitions with a prayer and which reads thus :-

"(B) This Hon'ble Court may direct the Registry to pay amount deposited in this Hon'ble High Court to the petitioner from the date of filing of Writ Petition i.e. 02.04.2013 and remaining amount to be paid to the Applicant State Government. "

7. It seems that the applications are filed in view of the order of the Honourable the Apex Court. So as to ascertain and quantify the amount which would be due and payable against the claims of the petitioners, we had directed the learned Asstt. Govt. Pleader as well as learned Counsel Mr Panpatte to submit their statements. Learned Asstt. Govt. Pleader has placed before us a compilation of the communications and a chart showing details of payment. Mr Panpatte also submitted his statement showing the details. The statements filed by Mr Panpatte as well as learned Asstt. Govt. Pleader on major aspects tally with each other except certain minor difference of amount to the tune of Rs.1000/- and odd. In view of these statements, what reflects is, petitioner Mr P. R. Tule is entitled to receive an amount of Rs.5,78,068/- against his claim till September, 2018, Mr R. P. Kshirsagar is entitled to receive the amount to the tune of Rs.6,24,451/- and Mr G. T. Deshmukh is entitled to received an amount to the tune of Rs.6,23,668/-.

8. It is submitted before us that the amount was deposited against the claim of Mr Tule, Mr Kshirsagar and Mr Deshmukh, whereas no amount was deposited against the claim of Smt. K. K. Kamthekar. However, learned Asstt. Govt. Pleader submits that in view of deposit of excess amount by the State Government, the claim of petitioner Smt. Krashnabai Kamthekar can also be settled by permitting the State to disburse the amount to Smt. Kamthekar from the excess amount deposited in this Court. Mr Panpatte fairly submits that he is having no grievance if such exercise is undertaken.

9. In view of the fact that by calculating the amounts i.e. the claims of Mr Tule, Mr Kshirsagar and Mr Deshmukh i.e. Rs.5,78,068/-, Rs.6,24,451/- and Rs.6,23,668/-, the claim of Smt. Krashnabai Kamthekar to the tune of Rs.6,33,078/-, which comes to composite amount of Rs.24,59,265/- and if these petitioners are permitted to withdraw this amount, the excess amount deposited in this Court by the State Government is to the tune of Rs.10,41,527/-.

10. Accordingly, we permit petitioners Mr P. R. Tule, Mr R. P. Kshirsagar, Mr G. T. Deshmukh and Smt. Krashnabai Kamthekar to withdraw amount of Rs.5,78,068/-, 6,24,451/-, 6,23,668/- and Rs.6,33,078/-, respectively. The applicant State Government is also permitted to withdraw rest of the amount i.e. Rs.10,41,527/-.

(9)

11. We further make it clear that the petitioners are entitled to receive the amount of interest accrued against their claims on the amount which is deposited in this Court by the State Government as well as the State Government is also entitled to receive the amount of interest accrued on the remaining amount i.e. Rs.10,41,527/-.

12. In view of the above referred facts, the grievance of the petitioners is redressed. The contempt against respondents purged and accordingly, contempt petitions are disposed of.

13. In the light of above, civil applications filed by the petitioners as well as the State Government stand disposed of.

14. Contempt Petition No.572 of 2016 (Sitaram s/o Subhanrao Dhande Vs. Shri. Shamlal Goyal & ors.) be de-tagged and be posted on 5th October, 2018, for further consideration.

(MANISH PITALE, J.)

(PRASANNA B. VARALE, J.)

amj

**Anant
Manohar
Joshi**

Digitally signed
by Anant
Manohar Joshi
Date:
2018.09.28
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